

EIGHTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
 Tuesday, April 6, 2021

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Lia Carroll led the Senate in the Pledge of Allegiance. Miss Carroll is a student at Lake Washington High School in Kirkland and a guest of Senator Dhingra.

The prayer was offered by Rabbi David Weiner of Temple De Hirsch Sinai, Seattle.

MOTIONS

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

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Transportation was granted special leave to meet during the day's floor session.

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

MESSAGES FROM THE HOUSE

April 5, 2021

MR. PRESIDENT:

The House has passed:

- SENATE BILL NO. 5015,
- SENATE BILL NO. 5016,
- SENATE BILL NO. 5018,
- SENATE BILL NO. 5046,
- SUBSTITUTE SENATE BILL NO. 5068,
- SENATE BILL NO. 5106,
- SUBSTITUTE SENATE BILL NO. 5152,
- SUBSTITUTE SENATE BILL NO. 5169,
- SENATE BILL NO. 5184,
- SUBSTITUTE SENATE BILL NO. 5228,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5284,
- SENATE BILL NO. 5303,
- ENGROSSED SENATE BILL NO. 5356,
- SENATE BILL NO. 5385,
- SUBSTITUTE SENATE BILL NO. 5425,
- SENATE BILL NO. 5431,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 5, 2021

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1532,
- HOUSE BILL NO. 1546,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 10:06 a.m., on motion of Senator Liias, the Senate was

declared to be at ease subject to the call of the President.

The Senate was called to order at 11:35 a.m. by President Heck.

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

**SENATE RESOLUTION
 8622**

By Senators Hobbs and King

WHEREAS, Mr. David Brian Ward was a proud Michigander turned proud Minnesotan who graduated from the University of Minnesota; and

WHEREAS, David had an industrious career, working in the financial industry in Taiwan and with refugee communities in the United States, before working at the Washington State Office of Financial Management; and

WHEREAS, David began his Senate career as a revenue analyst for the Senate Transportation Committee in October of 2004, before serving as the committee's budget coordinator in 2008, and later transferring to the Joint Transportation Committee in 2019; and

WHEREAS, David worked with five different committee chairs during his tenure on the Senate Transportation Committee, enjoying a reputation as a brilliant nonpartisan and bicameral staffer; and

WHEREAS, David traveled to all ends of the state as part of a transportation revenue package listening tour in 2014 to learn the statewide significance of the SR 522 Snohomish River Bridge, the US 12 Wildcat Bridge, the US 2 Trestle, the SR 14 Bingen Overpass, the I-82 Red Mountain Interchange, and various stoplights along SR 9 in Snohomish county; and

WHEREAS, David assisted members in the development and perfection of strategies to finance some of the most difficult and expensive public works projects in the history of civilization, such as the world's largest deep bore tunnel and the world's longest floating bridge; and

WHEREAS, David provided members with his wisdom to deliver a balanced 10 year, 12 year, or 16 year transportation budget depending on how terrible the state's gas tax collections were in a given year; and

WHEREAS, David oversaw transportation budget negotiations for the Senate each session and was known to provide helpful nonpartisan advice to members like "You can't spend the money twice, Senator,"; and

WHEREAS, Staff and members alike were mesmerized by David's preternatural command of the audio-visual equipment known as the Wardistrator 5000 that he used to educate, entertain, and enrich members while developing a transportation budget; and

WHEREAS, David served as a generous mentor to new staff

and elected members of the Senate Transportation Committee, imparting his humor, positivity, and wisdom onto them; and

WHEREAS, David was known for meticulously researching the best places to eat and drink during legislative tours of transportation projects, and while he did not participate in karaoke, he did offer his colleagues encouragement and critiques of their performances; and

WHEREAS, David was respected by members, staff, and the lobbying community alike for his humility, dedication, and talent; and

WHEREAS, In 2020, David was diagnosed with a medical condition that would test him severely and David fought valiantly with love and support from many, but ultimately his battle concluded when he died at his Thurston county home on August 17, 2020; and

WHEREAS, David leaves behind a legacy of excellence and service as a model public servant; and

WHEREAS, David did some of his best work in the Senate Transportation Committee conference room as he ably assisted members and staff in directing the development of the state transportation budget, and as such we shall forever refer to room 318 in the John A. Cherberg building as the "David Ward Senate Transportation Committee Conference Room," or what is affectionately known to his friends as the "Ward Room"; and

WHEREAS, Although David would be deeply and humbly opposed to the passage of this resolution, David's tireless commitment to the state of Washington cannot go unrecognized;

NOW, THEREFORE, BE IT RESOLVED, That this resolution is offered in memory of our friend and colleague David Brian Ward and in honor of his legacy throughout the Washington State Transportation system; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its deepest gratitude for the 16 years of service given to the Legislature, and for the many more years of service given to our state government and his greater community by Mr. David Ward; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to David's mother, Ruth Ward-Gross, David's partner, Alison Riffer, the Senate Transportation Committee, and Senate Committee Services.

Senators Hobbs and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

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

MOTIONS

Senator Lias moved that all members names be added to Senate Resolution No. 8622.

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

SECOND READING

HOUSE BILL NO. 1009, by Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, J. Johnson, Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet

Concerning student health plans.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senators Muzzall and Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1009.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1009 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

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

Absent: Senator Ericksen

HOUSE BILL NO. 1009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1148, by House Committee on Appropriations (originally sponsored by Cody, Macri, Stonier, Lekanoff and Pollet)

Protecting patients in acute care hospitals.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.41.020 and 2016 c 226 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital;

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or

(b) Tasks the performance of which requires licensure as a health care provider.

((2)) (10) "Department" means the Washington state department of health.

(3) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

(4) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

(5) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(6) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

(7) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

(8) "Immediate jeopardy" means a situation in which the hospital's noncompliance with one or more statutory or regulatory requirements has placed the health and safety of patients in its care at risk for serious injury, serious harm, serious impairment, or death.

(9) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

((9)) (10) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

((40)) (11) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((44)) (12) "Secretary" means the secretary of health.

((42)) (13) "Sexual assault" has the same meaning as in RCW 70.125.030.

((43)) (14) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the

patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

((44)) (15) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

Sec. 2. RCW 70.41.130 and 2011 c 302 s 3 are each amended to read as follows:

(1) The department is authorized to ((deny, suspend, revoke, or modify a)) take any of the actions identified in this section against a hospital's license or provisional license in any case in which it finds that there has been a failure or refusal to comply with the requirements of this chapter or the standards or rules adopted under this chapter or the requirements of RCW 71.34.375.

(a) When the department determines the hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department, the department may impose reasonable conditions on a license. Conditions may include correction within a specified amount of time, training, or hiring a department-approved consultant if the hospital cannot demonstrate to the department that it has access to sufficient internal expertise. If the department determines that the violations constitute immediate jeopardy, the conditions may be imposed immediately in accordance with subsection (3) of this section.

(b)(i) In accordance with the authority the department has under RCW 43.70.095, the department may assess a civil fine of up to \$10,000 per violation, not to exceed a total fine of \$1,000,000, on a hospital licensed under this chapter when the department determines the hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

(ii) Proceeds from these fines may only be used by the department to offset costs associated with licensing hospitals.

(iii) The department shall adopt in rules under this chapter specific fine amounts in relation to:

(A) The severity of the noncompliance and at an adequate level to be a deterrent to future noncompliance; and

(B) The number of licensed beds and the operation size of the hospital. The licensed hospital beds will be categorized as:

(I) Up to 25 beds;

(II) 26 to 99 beds;

(III) 100 to 299 beds; and

(IV) 300 beds or greater.

(iv) If a licensee is aggrieved by the department's action of assessing civil fines, the licensee has the right to appeal under RCW 43.70.095.

(c) The department may suspend a specific category or categories of services or care or recovery units within the hospital as related to the violation by imposing a limited stop service. This may only be done if the department finds that noncompliance results in immediate jeopardy.

(i) Prior to imposing a limited stop service, the department shall provide a hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and upon the review and approval of the notification by the secretary or the secretary's designee. The hospital shall have 24 hours from

notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24 hour period, the department may issue the limited stop service.

(ii) When the department imposes a limited stop service, the hospital may not admit any new patients to the units in the category or categories subject to the limited stop service until the limited stop service order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the hospital if more than five business days is needed to verify the violation necessitating the limited stop service has been corrected.

(iv) The limited stop service shall be terminated when:

(A) The department verifies the violation necessitating the limited stop service has been corrected or the department determines that the hospital has taken intermediate action to address the immediate jeopardy; and

(B) The hospital establishes the ability to maintain correction of the violation previously found deficient.

(d) The department may suspend new admissions to the hospital by imposing a stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy and is not confined to a specific category or categories of patients or a specific area of the hospital.

(i) Prior to imposing a stop placement, the department shall provide a hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and upon the review and approval of the notification by the secretary or the secretary's designee. The hospital shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24 hour period, the department may issue the stop placement.

(ii) When the department imposes a stop placement, the hospital may not admit any new patients until the stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the hospital if more than five business days is needed to verify the violation necessitating the stop placement has been corrected.

(iv) The stop placement order shall be terminated when:

(A) The department verifies the violation necessitating the stop placement has been corrected or the department determines that the hospital has taken intermediate action to address the immediate jeopardy; and

(B) The hospital establishes the ability to maintain correction of the violation previously found deficient.

(e) The department may deny an application for a license or suspend, revoke, or refuse to renew a license.

(2) The department shall adopt in rules under this chapter a fee methodology that includes funding expenditures to implement subsection (1) of this section. The fee methodology must consider:

(a) The operational size of the hospital; and

(b) The number of licensed beds of the hospital.

(3)(a) Except as otherwise provided, RCW 43.70.115 governs notice of ~~((a license denial, revocation, suspension, or modification))~~ actions taken by the department under subsection (1) of this section and provides the right to an adjudicative proceeding. Adjudicative proceedings and hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. The application for an adjudicative proceeding must

be in writing, state the basis for contesting the adverse action, including a copy of the department's notice, be served on and received by the department within 28 days of the licensee's receipt of the adverse notice, and be served in a manner that shows proof of receipt. A hospital that prevails in an adjudicative proceeding, hearing, or appeal under this section is entitled to recover costs of litigation and reasonable attorneys' fees.

(b) When the department determines a licensee's noncompliance results in immediate jeopardy, the department may make the imposition of conditions on a licensee, a limited stop placement, stop placement, or the suspension of a license effective immediately upon receipt of the notice by the licensee, pending any adjudicative proceeding.

(i) When the department makes the suspension of a license or imposition of conditions on a license effective immediately, a licensee is entitled to a show cause hearing before a presiding officer within 14 days of making the request. The licensee must request the show cause hearing within 28 days of receipt of the notice of immediate suspension or immediate imposition of conditions. At the show cause hearing the department has the burden of demonstrating that more probably than not there is an immediate jeopardy.

(ii) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate suspension or immediate imposition of conditions and the licensee's response and must provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department must provide the licensee with all documentation that supports the department's immediate suspension or imposition of conditions.

(iii) If the presiding officer determines there is no immediate jeopardy, the presiding officer may overturn the immediate suspension or immediate imposition of conditions.

(iv) If the presiding officer determines there is immediate jeopardy, the immediate suspension or immediate imposition of conditions shall remain in effect pending a full hearing.

(v) If the presiding officer sustains the immediate suspension or immediate imposition of conditions, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within 90 days of the licensee's request."

On page 1, line 2 of the title, after "enforcement;" strike the remainder of the title and insert "and amending RCW 70.41.020 and 70.41.130."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Health & Long Term Care to Second Substitute House Bill No. 1148.

The motion by Senator Cleveland carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 514 by Senator Padden be adopted:

On page 6, line 36, after "receipt." insert "A hospital that prevails in an adjudicative proceeding, hearing, or appeal under this section is entitled to recover costs of litigation and reasonable attorneys' fees. Funding for a prevailing hospital to recover the costs of litigation and reasonable attorneys' fees under this section must be paid from the department's local account where fees and charges for the regulation of hospitals are deposited or the state general fund if payment would result in a cash deficit to the

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department's local account where fees and charges for the regulation of hospitals are deposited. The department shall not increase hospital licensing fees for the sole purpose of funding a prevailing hospital's costs of litigation and reasonable attorneys' fees under this section."

Senators Padden and Muzzall spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 514 by Senator Padden on page 6, line 36 to Second Substitute House Bill No. 1148.

The motion by Senator Padden did not carry and floor amendment no. 514 was not adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Second Substitute House Bill No. 1148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1148.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1148 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Absent: Senator Ericksen

SECOND SUBSTITUTE HOUSE BILL NO. 1148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

SECOND READING

HOUSE BILL NO. 1087, by Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan

Clarifying the continuity of employee family and medical leave rights.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1087 was advanced to third reading, the second reading

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

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

The President declared the question before the Senate to be the final passage of House Bill No. 1087.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1087 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

Excused: Senator Ericksen

HOUSE BILL NO. 1087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176, by House Committee on Education (originally sponsored by Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake)

Concerning access to higher education.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.635.060 and 1997 c 266 s 13 are each amended to read as follows:

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, ~~((is))~~ may be subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the ~~((grades,))~~ diploma, ~~((and))~~ but not the grades or transcripts, of the ~~((pupil))~~ student responsible for the damage or loss until the ~~((pupil))~~ student or the ~~((pupil's))~~ student's parent or guardian has paid for the damages. ~~((If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent.))~~ When the ~~((pupil))~~ student and parent or guardian are unable to pay for the damages, the school district shall provide a program

of ~~((voluntary work))~~ community service for the ~~((pupil))~~ student in lieu of the payment of monetary damages. Upon completion of ~~((voluntary work))~~ community service the ~~((grades))~~ diploma, ~~(, and transcripts))~~ of the ~~((pupil shall))~~ student must be released. The parent or guardian of ~~((such pupil))~~ the student shall be liable for damages as otherwise provided by law.

(2) Before ~~((any penalties are assessed))~~ the diploma is withheld under this section, a school district board of directors shall adopt procedures which insure that ~~((pupils))~~ students' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

(4)(a) Each school district that withholds a diploma under this section shall publish and maintain the following information on its website:

(i) The number of diplomas withheld under this section, by graduating class, during the previous three school years; and

(ii) The number of students with withheld diplomas who were eligible for free or reduced-price meals during their last two years of enrollment in the school district.

(b) To the extent practicable, school districts must publish the information required by this subsection (4) with the information published under RCW 28A.325.050.

Sec. 2. RCW 28A.225.330 and 2020 c 167 s 8 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended. ~~((If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate-))~~

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the

definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(6) A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28A.635.060 and 28A.225.330."

Senators Liias and Wilson, C. spoke in favor of adoption of the committee striking amendment.

Senators Hawkins and Schoesler spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1176.

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

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 1176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Randall and Nobles spoke in favor of passage of the bill.

Senators Hawkins, Schoesler, Wilson, J., Fortunato, Rivers and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1176.

MOTION

On motion of Senator Wagoner, Senator McCune was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1176 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser,

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Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Rolfes, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

 AFTERNOON SESSION

The Senate was called to order at 1:34 p.m. by President Heck.

SECOND READING

HOUSE BILL NO. 1063, by Representatives Harris, Cody, Bateman, Kloba, Ortiz-Self, Leavitt, Slatter, Tharinger, Callan, Riccelli, Macri, Rule, Davis and Pollet

Allowing additional renewals for behavioral health professional trainee and associate credentials.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 1063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1063.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1063 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1207, by House Committee on Transportation (originally sponsored by Ramel, Boehnke, Lekanoff, Lovick, Ortiz-Self, Eslick, Bergquist and Leavitt)

Improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a driver's license or identicard is a fundamental document that Washingtonians need to live, work, drive, and access essential needs. The COVID-19 pandemic has significantly reduced the department of licensing's ability to provide in-person driver licensing services, resulting in a growing backlog of customers that cannot access the agency's critical services. This act is intended to address that backlog by expanding online renewals, extending driver's license and identicard issuance up to eight years, and providing more online options for instruction permits. The legislature recognizes the critical role of the department of licensing's front line staff during the pandemic and does not intend that this act will result in staffing reductions at the department of licensing now or in the future. To ensure that a driver's license and identicard remain affordable for Washington residents, the legislature intends for the department of licensing to continue to offer a six-year issuance option. The legislature further recognizes the potential of remote photo capture to enable expanded online renewals while ensuring that customer information remains updated. In implementing remote photo capture, the legislature intends that the department of licensing will prioritize data security and antifraud features as well as closely monitor its usage. The legislature also intends that within a year of initial implementation of remote photo capture, driver's license and identicard photos should be updated with each renewal whenever possible, recognizing that technology limitations and other challenges will prevent some customers from using remote photo capture.

Sec. 2. RCW 46.20.049 and 2012 c 80 s 11 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall be ~~((eighty five dollars from October 1, 2012, to June 30, 2013, and one hundred two dollars after June 30, 2013,))~~ one hundred thirty-six dollars for the original commercial driver's license or subsequent renewals. If the commercial driver's license is issued, renewed, or extended for a period other than ~~((five))~~ eight years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013))~~, the fee for each class shall be seventeen dollars for each year that the commercial driver's license is issued, renewed, or extended. The fee shall be deposited in the highway safety fund.

Sec. 3. RCW 46.20.055 and 2017 c 197 s 6 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a

driver's instruction permit online or in person with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid an application fee of twenty-five dollars, and meets the following requirements:

- (a) Is at least fifteen and one-half years of age; or
 - (b) Is at least fifteen years of age and:
 - (i) Has submitted a proper application; and
 - (ii) Is enrolled in a driver training education course offered as part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.
- (2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in a driver training education course as defined in RCW 46.82.280 or 28A.220.020.

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

- (a) The person has immediate possession of the permit;
- (b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and
- (c) A driver training education course instructor who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

- (a) The department may issue one additional one-year permit.
- (b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.
- (c) A person applying for an additional instruction permit must submit the application to the department (~~(in person)~~) and pay an application fee of twenty-five dollars for each issuance.

Sec. 4. RCW 46.20.091 and 2000 c 115 s 4 are each amended to read as follows:

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide (~~(his or her)~~) the applicant's:

- (a) Name of record, as established by documentation required under RCW 46.20.035;
- (b) Date of birth, as established by satisfactory evidence of age;
- (c) Sex;
- (d) Washington residence address;
- (e) Description;
- (f) Driving licensing history, including:
 - (i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or
 - (ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and
- (g) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether (~~(he or she)~~) the applicant has received driver training and, if so, where. The identifying

documentation verifying the name of record must be accompanied by the applicant's (~~(written)~~) sworn statement that it is valid. (~~(The)~~) For an original driver's license, the information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

Sec. 5. RCW 46.20.117 and 2020 c 261 s 2 and 2020 c 124 s 2 are each reenacted and amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves (~~(his or her)~~) the applicant's identity as required by RCW 46.20.035; and
- (c) Pays the required fee. Except as provided in subsection (7) of this section, the fee is (~~(fifty-four)~~) seventy-two dollars, unless an applicant is:

- (i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services or by the secretary of children, youth, and families;

- (ii) Under the age of twenty-five and does not have a permanent residence address as determined by the department by rule; or

- (iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

- (i) Be distinctly designed so that it will not be confused with the official driver's license; and

- (ii) Except as provided in subsection (7) of this section, expire on the (~~(sixth)~~) eighth anniversary of the applicant's birthdate after issuance.

- (b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(4).

- (c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

- (a) Personal appearance before the department; (~~(or)~~)
- (b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew (~~(his or her)~~) the identicard by mail or by electronic commerce when it last expired; or

- (c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

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An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than ~~((six))~~ eight years, or may extend by mail or electronic commerce an identicard that has already been issued ~~((, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders))~~. The fee for an identicard issued or renewed for a period other than ~~((six))~~ eight years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department must offer the option to issue or renew an identicard for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(8) Identicard photos must be updated in the same manner as driver's license photos under RCW 46.20.120(5).

Sec. 6. RCW 46.20.120 and 2012 c 80 s 7 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department must ensure that examinations are given at places and times reasonably available to the people of this state. If the department does not administer driver licensing examinations as a routine part of its licensing services within a department region because adequate testing sites are provided by driver training schools or school districts within that region, the department shall, at a minimum, administer driver licensing examinations by appointment to applicants eighteen years of age and older in at least one licensing office within that region.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) All or any part of the examination involving operating a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; or

(ii) Provides for verification a valid driver's license issued by a

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foreign driver licensing jurisdiction with which the department has an informal agreement under RCW 46.20.125; and

(iii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of thirty-five dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than ~~((six))~~ eight years.

(3) An application for driver's license renewal may be submitted by means of:

(a) Personal appearance before the department; ~~((or))~~

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew ~~((his or her))~~ the license by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

(4) A person whose license expired or will expire while ~~((he or she))~~ the licensee is living outside the state, may:

(a) Apply to the department to extend the validity of ~~((his or her))~~ the license for no more than twelve months. If the person establishes to the department's satisfaction that ~~((he or she))~~ the licensee is unable to return to Washington before the date ~~((his or her))~~ the license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew ~~((his or her))~~ the license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that ~~((he or she))~~ the licensee is unable to return to Washington within twelve months of the date that ~~((his or her))~~ the license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5)(a) If a qualified person submits an application for renewal under subsection (3)(b) or (c) or (4)(b) of this section, ~~((he or she))~~ the applicant is not required to pass an examination ~~((or))~~ and only needs to provide an updated photograph:

(i) At least every 16 years, except that persons under 30 must provide an updated photograph every eight years; and

(ii) Beginning January 1, 2023, persons renewing through electronic commerce must provide an updated photograph in a form and manner approved by the department with each renewal unless they are unable to provide a photograph that meets the department's requirements and the most recent photograph on file with the department is not more than 10 years old at the time of renewal.

(b) A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(6) Driver training schools licensed by the department under chapter 46.82 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

(7) School districts that offer a traffic safety education program under chapter 28A.220 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge

of traffic laws and ability to safely operate a motor vehicle.

Sec. 7. RCW 46.20.161 and 2020 c 261 s 3 are each amended to read as follows:

(1) The department, upon receipt of a fee of ~~((forty five)) seventy-two~~ dollars ~~((from October 1, 2012, to June 30, 2013, and fifty four dollars after June 30, 2013)),~~ unless the driver's license is issued for a period other than ~~((five)) eight~~ years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013)),~~ in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

- (a) A distinguishing number assigned to the licensee;
- (b) The name of record;
- (c) Date of birth;
- (d) Washington residence address;
- (e) Photograph;
- (f) A brief description of the licensee;

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write ~~((his or her))~~ the licensee's usual signature with pen and ink immediately upon receipt of the license;

(h) If applicable, the person's status as a veteran as provided in subsection (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been signed by the licensee.

(4)(a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

(i) A United States department of veterans affairs identification card or proof of service letter;

(ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

(iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

(iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and

that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725.

Sec. 8. RCW 46.20.181 and 2012 c 80 s 9 are each amended to read as follows:

(1) Except as provided in subsection (4) or (5) of this section, every driver's license expires on the ~~((sixth)) eighth~~ anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew ~~((his or her))~~ a license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((forty five)) seventy-two~~ dollars ~~((from October 1, 2012, to June 30, 2013, and fifty four dollars after June 30, 2013)).~~ This fee includes the fee for the required photograph.

(3) A person renewing ~~((his or her))~~ a driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless ~~((his or her))~~ the license expired when:

(a) The person was outside the state and ~~((he or she))~~ the licensee renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and ~~((he or she))~~ the licensee renews the license within sixty days after the termination of the incapacity.

(4) The department may issue or renew a driver's license for a period other than ~~((five)) eight~~ years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013)),~~ or may extend by mail or electronic commerce a license that has already been issued ~~((, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers)).~~ The fee for a driver's license issued or renewed for a period other than ~~((five)) eight~~ years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013)),~~ or that has been extended by mail or electronic commerce, is nine dollars for each year that the license is issued, renewed, or extended. The department must offer the option to issue or renew a driver's license for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the ~~((sixth)) eighth~~ year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from

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the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed for a period other than ~~((five))~~ eight years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013,))~~ is nine dollars for each year that the license is issued or renewed, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee of nine dollars for each year that the license is extended.

(6) The department may adopt any rules as are necessary to carry out this section.

Sec. 9. RCW 46.20.202 and 2017 c 310 s 3 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is ~~((twenty-four))~~ thirty-two

dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than ~~((six))~~ eight years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 10. RCW 46.20.505 and 2012 c 80 s 13 are each amended to read as follows:

Every person applying for a special endorsement of a driver's license authorizing such person to drive a two or three-wheeled motorcycle or a motor-driven cycle shall pay a fee of five dollars, which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall not exceed ~~((twelve))~~ sixteen dollars, unless the endorsement is issued for a period other than ~~((six))~~ eight years, in which case the endorsement fee shall not exceed two dollars for each year the initial motorcycle endorsement is issued. The subsequent renewal endorsement fee shall not exceed ~~((thirty))~~ forty dollars, unless the endorsement is renewed or extended for a period other than ~~((six))~~ eight years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. Fees collected under this section shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION. Sec. 11. The department of licensing must evaluate the impact of expanded online renewals and remote photo capture on backlog reduction, access to services, employment, public safety, identity fraud, and other topics as determined by the department. In completing this evaluation, the department of licensing must consult with relevant stakeholders and experts, including law enforcement, organizations representing the department's employees, organizations with expertise in data security and identity fraud, organizations representing commercial drivers, and others as determined by the department. The department of licensing must submit a report to the governor and transportation committees of the legislature by December 1, 2023.

NEW SECTION. Sec. 12. Sections 2 and 5 through 11 of this act take effect January 1, 2022.

NEW SECTION. Sec. 13. Sections 1, 3, and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 5 of the title, after "identicards;" strike the remainder of the title and insert "amending RCW 46.20.049,

46.20.055, 46.20.091, 46.20.120, 46.20.161, 46.20.181, 46.20.202, and 46.20.505; reenacting and amending RCW 46.20.117; creating new sections; providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1207.

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

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1207 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1276, by House Committee on Health Care & Wellness (originally sponsored by Bronoske, Lovick, Fitzgibbon, Cody, Hackney, Fey, Macri, Leavitt, Ormsby, Harris-Talley and Stonier)

Providing for certain emergency medical services personnel to work in diversion centers.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1276.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1276 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1342, by Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet and Harris-Talley

Eliminating lunch copays for students who qualify for reduced-price lunches.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 1342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1342.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1342 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, Padden and Schoesler

ENGROSSED HOUSE BILL NO. 1342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SUBSTITUTE HOUSE BILL NO. 1446, by House Committee on Environment & Energy (originally sponsored by Fey)

Substitute House Bill No. 1107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control.

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

The measure was read the second time.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1107.

MOTION

ROLL CALL

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of Substitute House Bill No. 1107 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Senators Carlyle and Sheldon spoke in favor of passage of the bill.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1446.

Voting nay: Senator Hasegawa

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SUBSTITUTE HOUSE BILL NO. 1107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1096, by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri

Concerning nonmedicare plans offered through the Washington state health insurance pool.

The measure was read the second time.

SECOND READING

MOTION

SUBSTITUTE HOUSE BILL NO. 1107, by House Committee on Transportation (originally sponsored by Chapman, Barkis, Corry, Tharinger and Graham)

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Expanding certain nonresident vessel permit provisions.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The measure was read the second time.

The President declared the question before the Senate to be the final passage of House Bill No. 1096.

MOTION

ROLL CALL

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

The Secretary called the roll on the final passage of House Bill No. 1096 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Senator Rolfes spoke in favor of adoption of the committee striking amendment.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1107.

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

MOTION

On motion of Senator Rolfes, the rules were suspended,

HOUSE BILL NO. 1096, having received the constitutional majority, was declared passed. There being no objection, the title

of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443, by House Committee on Commerce & Gaming (originally sponsored by Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel, Kloha, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri)

Concerning social equity within the cannabis industry.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.540 and 2020 c 236 s 3 are each amended to read as follows:

(1) The ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program is established and is to be administered by the department.

(2)(a) The ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program must award grants ~~((on a competitive basis to marijuana retailer))~~ to:

(i) Cannabis license applicants who are social equity applicants submitting social equity plans under RCW 69.50.335; and

(ii) Cannabis licensees holding a license issued after June 30, 2020, and before the effective date of this section who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after June 30, 2020, and before the effective date of this section, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding ~~((under the marijuana social equity technical assistance competitive grant program))~~ include, but are not limited to:

(a) Assistance navigating the ~~((marijuana retailer))~~ cannabis licensure process;

(b) ~~((Marijuana business))~~ Cannabis-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing; ~~((and))~~

(e) Strengthening a social equity plan; and

(f) Connecting social equity applicants with established industry members and tribal ~~((marijuana))~~ cannabis enterprises and programs for mentoring and other forms of support ~~((approved by the [Washington state liquor and cannabis] board)).~~

~~((3))~~ (4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in

navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51% minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

~~((4))~~ (6) The department may adopt rules to implement this section.

(7) For the purposes of this section, "cannabis" has the meaning provided for "marijuana" under RCW 69.50.101.

Sec. 2. RCW 69.50.335 and 2020 c 236 s 2 are each amended to read as follows:

(1) Beginning December 1, 2020, and until July 1, ~~((2028))~~ 2029, ~~((marijuana))~~ cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or ~~((marijuana))~~ cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of ~~((marijuana))~~ cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the ~~((marijuana))~~ cannabis retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other ~~((marijuana))~~ cannabis retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing ~~((marijuana))~~ cannabis retailer license or title certificate for a ~~((marijuana))~~ cannabis retailer business in a local jurisdiction subject to a ban or moratorium on ~~((marijuana))~~ cannabis retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW 69.50.325.

(6) For the purposes of this section:

(a) "Cannabis" has the meaning provided for "marijuana" under this chapter.

(b) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs

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and other agencies, commissions, and ~~((stakeholders))~~ community members as determined by the board:

- (i) The area has a high poverty rate;
- (ii) The area has a high rate of participation in income-based federal or state programs;
- (iii) The area has a high rate of unemployment; and
- (iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of ~~((marijuana))~~ cannabis.

~~((b))~~ (c) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided ~~((for at least five of the preceding ten years))~~ in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board; ~~((or))~~

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a ~~((marijuana))~~ cannabis offense, a drug offense, or is a family member of such an individual; or

(iii) An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board.

~~((e))~~ (d) "Social equity goals" means:

(i) Increasing the number of ~~((marijuana))~~ cannabis retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of ~~((marijuana))~~ cannabis prohibition laws.

~~((d))~~ (e) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection ~~(6)((d))~~ (e), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed ~~((marijuana))~~ cannabis retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a ~~((marijuana))~~ cannabis retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving ~~((marijuana))~~ cannabis;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of ~~((marijuana))~~ cannabis prohibition.

Sec. 3. RCW 69.50.336 and 2020 c 236 s 5 are each amended to read as follows:

(1) A legislative task force on social equity in ~~((marijuana))~~ cannabis is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of existing retail ~~((marijuana))~~ processor, and producer cannabis licenses, and to advise the governor and the

legislature on policies that will facilitate development of a ~~((marijuana))~~ cannabis social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) One member from each of the following:

(A) The commission on African American affairs;

(B) The commission on Hispanic affairs;

(C) The governor's office of Indian affairs;

(D) An organization representing the African American community;

(E) An organization representing the Latinx community;

(F) A labor organization involved in the ~~((marijuana))~~ cannabis industry;

(G) The liquor and cannabis board;

(H) The department of commerce;

(I) The office of the attorney general; and

(J) The association of Washington cities;

(ii) Two members that currently hold a ~~((marijuana))~~ cannabis retail license; ~~((and))~~

(iii) Two members that currently hold a producer ~~((or processor))~~ license ~~((or both)); and~~

(iv) Two members that currently hold a processor license.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by the health equity council of the governor's interagency council on health disparities. ~~((If Engrossed Second Substitute House Bill No. 1783 is enacted by June 30, 2020, then))~~ The responsibility for providing staff support for the task force must be transferred to the office of equity created ((by Engrossed Second Substitute House Bill No. 1783)) under chapter 43.06D RCW when requested by the office of equity.

~~((The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules~~

~~committee, or their successor committees.~~

~~(7))~~ Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

~~((8))~~ (7) The task force is a class one group under chapter 43.03 RCW.

~~((9))~~ (8) A public comment period must be provided at every meeting of the task force.

~~((10))~~ (9) The task force shall submit one or more reports on recommended policies that will facilitate the development of a ~~((marijuana))~~ cannabis social equity program in Washington to the governor, the board, and the appropriate committees of the legislature. The task force is encouraged to submit individual recommendations, as soon as possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by ~~((December 1, 2020))~~ December 9, 2022. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from ~~((marijuana))~~ cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or ~~((marijuana))~~ cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of ~~((marijuana))~~ cannabis retailer licenses established by the board before January 1, 2020; ~~((and))~~

(b) Whether any additional ~~((marijuana))~~ cannabis producer, processor, or retailer licenses should be issued beyond the total number of ~~((marijuana))~~ licenses that have been issued as of June 11, 2020. For purposes of determining the total number of licenses issued as of June 11, 2020, the total number includes licenses that have been forfeited, revoked, or canceled;

(c) The social equity impact of altering residential cannabis agriculture regulations;

(d) The social equity impact of shifting primary regulation of cannabis production from the board to the department of agriculture, including potential impacts to the employment rights of workers;

(e) The social equity impact of removing nonviolent cannabis-related felonies and misdemeanors from the existing point system used to determine if a person qualifies for obtaining or renewing a cannabis license;

(f) Whether to create workforce training opportunities for underserved communities to increase employment opportunities in the cannabis industry;

(g) The social equity impact of creating new cannabis license types; and

(h) Recommendations for the cannabis social equity technical assistance grant program created under RCW 43.330.540.

~~((11))~~ (10) The board may adopt rules to implement the recommendations of the task force. However, any recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

~~((12))~~ (11) For the purposes of this section, "cannabis" has the meaning provided for "marijuana" under this chapter.

(12) This section expires June 30, ~~((2022))~~ 2023.

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 43.330.540, 69.50.335, and 69.50.336; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Mullet and without objection, floor amendment no. 510 by Senator Mullet on page 8, line 26 to Engrossed Substitute House Bill No. 1443 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Saldaña and without objection, floor amendment no. 603 by Senator Saldaña on page 8, line 26 to Engrossed Substitute House Bill No. 1443 was withdrawn.

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs to Engrossed Substitute House Bill No. 1443.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1443.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1443 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Honeyford, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5262, by Senators Liias, Warnick and Saldaña

Broadening the eligibility requirements and extending the expiration date for the data center tax incentive.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5262 was substituted for Senate Bill No. 5262 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 574 by Senator Hasegawa be adopted:

On page 2, beginning on line 17, after "the" strike all material through "centers" on line 19 and insert "data center sector in Washington state by encouraging development of new data center facilities"

On page 3, beginning on line 16, after "2047" strike all material through "year" on line 23

On page 5, at the beginning of line 19, strike all material through "position," on line 31

On page 7, line 35, after "purchaser" strike "shall" and insert "must"

On page 8, beginning on line 7, after "means" strike all material through "For" on line 8 and insert "for"

On page 8, beginning on line 11, after "center" strike all material through "center" on line 15

On page 9, beginning on line 17, after "or" strike all material through "subsection" on line 22 and insert "other improvements made to existing facilities"

On page 9, beginning on line 26, after "center." strike all material through "construction." on line 29

On page 11, line 1, after "means" insert "the initial replacement of original"

On page 11, beginning on line 2, after "~~((replaces~~" strike all material through "qualified" on line 4 and insert "~~existing server equipment, if the sale or use of the server equipment to be replaced qualified~~);

(A) Qualifies"

On page 11, beginning on line 5, after "82.12.986;" strike all material through "applies;" on line 10

On page 11, beginning on line 12, after "occupancy" strike all material through "center" on line 13

On page 11, line 20, after "means" insert "the initial replacement of original"

On page 11, beginning on line 21, after "(A)" strike all material through "qualified" on line 22 and insert "~~((Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified~~)) Qualifies"

On page 11, beginning on line 23, after "82.12.986;" strike all material through "applies;" on line 28

On page 11, beginning on line 35, after "occupancy" strike all material through "center" on line 36 and insert ".

The exemption under this section does not apply to subsequent replacement of server equipment occurring after the initial replacement of original server equipment for any business whose computer data center qualifies as an eligible computer data center under (f)(i)(C)(III) of this subsection (6) or for a qualifying tenant who leases space within an eligible computer data center on or after the effective date of this section"

On page 12, beginning on line 27, after "(k)" strike all material through "(l)" on line 38

Senators Hasegawa and Rolfes spoke in favor of adoption of the amendment.

Senators Braun, Dozier and Warnick spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 574 by Senator Hasegawa on page 2, line 17 to Substitute Senate Bill No. 5262.

The motion by Senator Hasegawa did not carry and floor amendment no. 574 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Warnick and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Darneille, Hasegawa, Nguyen, Robinson, Rolfes and Saldaña

SUBSTITUTE SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5192, by Senators Das, Lovelett, Carlyle, Kuderer, Nguyen, and Wilson, C.

Supporting access to electric vehicle supply equipment.

MOTION

On motion of Senator Das, Second Substitute Senate Bill No. 5192 was substituted for Senate Bill No. 5192 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following striking floor amendment no. 532 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.94.010 and 2019 c 96 s 1 are each amended to read as follows:

(1) The definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter unless the context clearly requires otherwise.

(a) "City" means a first-class city or a code city, as defined in RCW 35A.01.035, with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for

either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the seal or certificate issued by the director or city sealer which indicates that a secondary weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.190.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or

consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.190.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(u) "Charging session" means an event starting when a user or a vehicle initiates a refueling event and stops when a user or a vehicle ends a refueling event.

(v) "Clearly marked" means, at a minimum, a sign, sticker, plaque, or any other visible marker that is readable, which may include standards from the Americans with disabilities act of 1990, 2010 standards for accessible design.

(w) "Common interest community" has the same meaning as defined in RCW 64.90.010.

(x) "Direct current fast charger" means electric vehicle supply equipment capable of supplying direct current electricity to a vehicle fitted with the appropriate connection to support refueling the vehicle's energy storage battery.

(y) "Electric vehicle service provider" means the entity responsible for operating one or more networked or nonnetworked electric vehicle supply equipment. Operating includes, but is not limited to: Sending commands or messages to a networked electric vehicle supply equipment; receiving commands or messages from a networked electric vehicle supply equipment; or providing billing, maintenance, reservations, or other services to a nonnetworked or networked electric vehicle supply equipment. An electric vehicle service provider may designate another entity to act as the electric vehicle service provider for purposes of this chapter. A state agency, an electric utility as defined in RCW 19.405.020, or a municipal corporation as defined in RCW 39.69.010 is considered an electric vehicle service provider when responsible for operating one or more networked or nonnetworked electric vehicle supply equipment.

(z) "Electric vehicle supply equipment" means the unit controlling the power supply to one or more vehicles during a charging session including, but not limited to, level 2 electric vehicle supply equipment and direct current fast chargers.

(aa) "Installed" means operational and made available for a charging session.

(bb) "Kiosk" means a stand-alone physical unit that allows users to pay for and initiate a charging session at one or more electric vehicle supply equipment located at the same site as the kiosk.

(cc) "Level 2 electric vehicle supply equipment" means electric vehicle supply equipment capable of supplying 208 to 240 volt alternating current.

(dd) "Networked electric vehicle supply equipment" means electric vehicle supply equipment capable of receiving and sending commands or messages remotely from an electric vehicle service provider.

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(ee) "Nonnetworked electric vehicle supply equipment" means electric vehicle supply equipment incapable of receiving and sending commands or messages remotely from an electric vehicle service provider, including electric vehicle supply equipment with remote communication capabilities that have been disabled or electric vehicle supply equipment with secondary systems that provide remote communication capabilities that have been installed.

(ff) "Publicly available electric vehicle supply equipment" means electric vehicle supply equipment and associated parking space or spaces designated by a property owner or lessee to be available to, and accessible by, the public.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 19.94 RCW to read as follows:

(1) In addition to the definition of publicly available electric vehicle supply equipment provided in RCW 19.94.010 and except for the applicable exemptions in section 3 of this act, electric vehicle supply equipment is considered publicly available and is subject to the requirements of this chapter if:

(a) A lessee, electric vehicle service provider, or a property owner designates electric vehicle supply equipment to be available only to customers or visitors of a business or charging network;

(b) Any member of the public can obtain vehicular access to electric vehicle supply equipment and associated parking spaces located in a parking garage or gated facility for free or through payment of a fee; or

(c) The electric vehicle supply equipment and associated parking spaces are made available to the public for only limited time periods, then the electric vehicle supply equipment and associated parking spaces are considered publicly available electric vehicle supply equipment during those limited time periods only.

(2) The director may by rule subject additional types of electric vehicle supply equipment to the requirements of this chapter to benefit the public and provide protections to consumers.

NEW SECTION. Sec. 3. A new section is added to chapter 19.94 RCW to read as follows:

(1) Publicly available electric vehicle supply equipment is exempt from compliance with the requirements of sections 4 through 6 of this act if:

(a) Members of the public may use the electric vehicle supply equipment at no cost, including no charges, fees, memberships, minimum balance on an account, and other cost at all times; and

(b) It is clearly marked that the electric vehicle supply equipment is available for use at no cost at all times.

(2) This chapter does not apply to:

(a) Workplace electric vehicle supply equipment and its associated parking spaces if it is clearly marked and operated as available exclusively to employees or contracted drivers, regardless of the physical accessibility of the electric vehicle supply equipment to the public, and that is available for use at no cost;

(b) Electric vehicle supply equipment and associated parking spaces reserved exclusively and available for use at no cost for residents, tenants, visitors, or employees of a private residence or common interest community; or a residential building adjacent to a private residence;

(c) Level 2 electric vehicle supply equipment located on or near the curb of a residential electric utility customer's property, directly connected to that residential electric utility customer's meter, and intended to serve only that residential electric utility customer;

(d) Electric vehicle supply equipment and associated parking spaces provided by a vehicle dealer licensed under chapter 46.70 RCW at its established place of business that meets the requirements of subsection (1) of this section.

(3) The director may by rule provide exemptions from compliance with some or all requirements of this chapter to benefit the public and provide protections to consumers, including electric vehicle supply equipment that is not available or intended for use by the public but where charges, fees, or other costs are required to initiate a charging session.

NEW SECTION. Sec. 4. A new section is added to chapter 19.94 RCW to read as follows:

(1) By January 1, 2023, the electric vehicle service provider must ensure all publicly available electric vehicle supply equipment is clearly marked and discloses all charges, fees, and costs associated with a charging session at the point of sale and prior to a user or a vehicle initiating a charging session. At a minimum, the electric vehicle service provider must disclose to the user the following information at the point of sale, if applicable:

(a) A fee for use of the parking space;

(b) A nonmember plug-in fee from the electric vehicle service provider;

(c) Price to refuel in United States dollars per kilowatt-hour or megajoule;

(d) Any potential changes in the price to refuel, in United States dollars per kilowatt-hour or megajoule, due to variable pricing; and

(e) Any other fees charged for a charging session.

(2) If the charging session or portion of a charging session is offered at no cost, it must be disclosed at the location where the charging session is initiated and prior to a user or a vehicle initiating a charging session.

(3) For the purpose of this section, "point of sale" means the location where the charging session and associated commercial transaction is initiated including, but not limited to, electric vehicle supply equipment or kiosk used to service that electric vehicle supply equipment.

NEW SECTION. Sec. 5. A new section is added to chapter 19.94 RCW to read as follows:

(1) By July 1, 2022, the department, in consultation with the department of commerce and the Washington utilities and transportation commission, must adopt rules requiring all electric vehicle service providers make available multiple payment methods at all publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington and may review and, if necessary, amend the rules every two years, to maintain consistency with evolving technology. At a minimum, the rules must include:

(a) Deadlines for electric vehicle service provider compliance for publicly available level 2 electric vehicle supply equipment and direct current fast charger electric vehicle supply equipment installed prior to a specific date;

(b) Deadlines for electric vehicle service provider compliance for publicly available level 2 electric vehicle supply equipment and direct current fast charger electric vehicle supply equipment installed on or after a specific date;

(c) Minimum required payment methods that are convenient and reasonably support access for all current and future users at publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington. Payment methods may include, but are not limited to:

(i) A credit card reader device physically located on either the

electric vehicle supply equipment unit or a kiosk used to service that electric vehicle supply equipment;

(ii) A toll-free number on each electric vehicle supply equipment and kiosk used to service that electric vehicle supply equipment that provides the user with the option to initiate a charging session and submit payment at any time that the electric vehicle supply equipment is operational and publicly available;

(iii) A mobile payment option used to initiate a charging session;

(d) Means for conducting a charging session in languages other than English;

(e) Means for facilitating charging sessions for consumers who are unbanked, underbanked, or low-moderate income, such as accepting prepaid cards through a card reader device.

(2) The electric vehicle service provider may not require a subscription, membership, or account or a minimum balance on an account in order to initiate a charging session at electric vehicle supply equipment subject to this section.

(3) For the purpose of this section, "mobile payment" means an electronic fund transfer initiated through a mobile phone or device.

NEW SECTION. Sec. 6. A new section is added to chapter 19.94 RCW to read as follows:

(1) Interoperability standards provide safeguards to consumers and support access to electric vehicle supply equipment. In order for Washington to have reliable, accessible, and competitive markets for electric vehicle supply equipment that are necessary for the movement of goods and people by electric vehicles, interoperability standards that align with national and international best practices or standards are necessary.

(2) By July 1, 2022, the department, in consultation with the department of commerce and the Washington utilities and transportation commission, must adopt rules establishing requirements for all electric vehicle service providers to, at a minimum, meet and maintain nonproprietary interoperability standards for publicly available level 2 electric vehicle supply equipment and direct current fast charger electric vehicle supply equipment and may review and, if necessary, amend the rules every two years, to maintain consistency with evolving technology. The requirements shall not provide that any charging provider must purchase or license proprietary technology or software from any other company, and shall not require that companies maintain interoperability agreements with other companies.

(3) For the purpose of this section, "interoperability" means the ability of hardware, software, or a communications network provided by one party, vendor, or service provider to interact with or exchange and make use of information, including payment information, between hardware, software, or a communications network provided by a different party, vendor, or service provider.

(4) The requirements of this section shall not apply to publicly available electric vehicle supply equipment provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures.

NEW SECTION. Sec. 7. A new section is added to chapter 19.94 RCW to read as follows:

(1) This section applies to all electric vehicle service providers operating one or more publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington. If an electric vehicle service provider also operates electric vehicle supply equipment that is not available to the public, the requirements of this section apply only to that electric vehicle service provider's publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in

Washington.

(2) By January 1, 2023, electric vehicle service providers must report inventory and payment method information to the national renewable energy laboratory, alternative fuels data center. The information must be reported, at a minimum, annually and must include, but is not limited to:

(a) Electric vehicle service provider information;

(b) Electric vehicle supply equipment inventory for both active and retired, decommissioned, or removed electric vehicle supply equipment in Washington;

(c) Electric vehicle supply equipment payment method information.

Sec. 8. RCW 19.94.175 and 2019 c 96 s 3 are each amended to read as follows:

(1) Pursuant to RCW 19.94.015, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a)	Weighing devices:		
(i)	Small scales "zero to four hundred pounds capacity"	\$	16.00
(ii)	Intermediate scales "four hundred one pounds to five thousand pounds capacity" ...	\$	60.00
(iii)	Large scales "over five thousand pounds capacity" ...	\$	120.00
(iv)	Railroad track scales	\$	1,200.00
(b)	Liquid fuel metering devices:		
(i)	Motor fuel meters with flows of twenty gallons or less per minute	\$	16.00
(ii)	Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute	\$	50.00
(iii)	Motor fuel meters with flows over one hundred fifty gallons per minute	\$	75.00
(c)	Liquid petroleum gas meters:		
(i)	With one inch diameter or smaller dispensers	\$	40.00
(ii)	With greater than one inch diameter dispensers	\$	80.00
(d)	Fabric meters	\$	15.00
(e)	Cordage meters	\$	15.00
(f)	Mass flow meters	\$	300.00
(g)	Taxi meters	\$	40.00
(h)	<u>Level 2 electric vehicle supply equipment port</u>	\$	<u>20.00</u>
(i)	<u>Direct current fast charger electric vehicle supply equipment port</u>	\$	<u>40.00</u>

(2) Pursuant to RCW 19.94.015, a reasonable registration fee for electric vehicle supply equipment, in addition to the fees established in subsection (1) of this section, may be established through rule making to cover the remaining costs associated with enforcing this chapter on electric vehicle supply equipment. The department may consider differential fees to reduce the potential burden of the registration fee for electric vehicle service providers operating less than 25 publicly available electric vehicle supply equipment in Washington.

(3) With the exception of subsection ((3)) (4) of this section, no person shall be required to pay more than the annual registration fee for any weighing or measuring instrument or device in any one year.

((3)) (4) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of

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weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees shall not be set so as to compete with service agents normally engaged in such services.

~~((4))~~ (5) The weights and measures advisory group within the department must review the fees in subsection (1) of this section and report to stakeholders on the financial status of the program supported by the fees by September 1, 2024, and September 1st every five years thereafter.

Sec. 9. RCW 19.94.190 and 2019 c 96 s 4 are each amended to read as follows:

(1) The director and duly appointed city sealers must enforce the provisions of this chapter.

(2) The department's enforcement proceedings under this chapter are subject to the requirement to provide technical assistance in chapter 43.05 RCW and the administrative procedure act, chapter 34.05 RCW. City sealers undertaking enforcement actions must provide equivalent procedures.

(3) In assessing the amount of a civil penalty, the department or city must give due consideration to the gravity of the violation and history of previous violations.

(4) The director must adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical test procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when testing and inspecting instruments or devices under RCW 19.94.255(3) or when otherwise installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

(d) The establishment of exemptions from the marking or tagging requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such a character or size that the marking or tagging would be inappropriate, impracticable, or damaging to the apparatus in question;

(e) The establishment of exemptions from the inspection and testing requirements of RCW 19.94.163 with respect to classes of weighing or measuring instruments or devices found to be of such a character that periodic inspection and testing is unnecessary to ensure continued accuracy;

(f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable;

(g) The establishment of inspection and testing procedures to be used for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential or special inspection and testing is necessary, including railroad track scales. The department's procedures shall include requirements for the provision, maintenance, and transport of any weight or measure necessary for the inspection and testing at no expense to the state;

(h) Specifications, tolerances, and other technical requirements for commercial weighing and measuring instruments or devices

that must be consistent with the most recent edition of the national institute of standards and technology handbook 44 except where modified to achieve state objectives; and

(i) Packaging, labeling, and method of sale of commodities that must be consistent with the most recent edition of the national institute of standards and technology handbook 44 and 130 (for legal metrology and engine fuel quality) except where modified to achieve state objectives.

(5) Rules adopted under this section must also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and must be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those that: (a) Are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly; or (b) facilitate the perpetration of fraud.

(6) Rules adopted by the director related to the sale of electricity sold as a vehicle fuel and electric vehicle fueling systems may be modified to achieve state objectives, reviewed, and, if necessary, amended, to maintain consistency with evolving technology. These rules may take effect no earlier than January 1, 2024. To ensure existing infrastructure may continue operating without substantial equipment replacement or alteration, electric vehicle supply equipment installed and placed into service before January 1, 2024, is exempt from the rules of this section until January 1, 2034. Electric vehicle supply equipment that is replaced or retrofitted with new hardware after January 1, 2024, must be considered as having been installed and placed into service after January 1, 2024.

Sec. 10. RCW 19.94.517 and 2019 c 96 s 19 are each amended to read as follows:

(1) Whenever the department or a city sealer tests or inspects a weighing or measuring instrument or device and finds the instrument or device to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument or device and to the economic detriment of the customer, the owner of the weighing or measuring instrument or device is subject to the following civil penalties:

Device deviations outside the tolerances stated in Handbook 44.

	Penalty
Small weighing or measuring instruments or devices:	
First violation	\$ 200.00
Second or subsequent violation within one year of first violation	\$ 500.00
Medium weighing or measuring instruments or devices:	
First violation	\$ 400.00
Second or subsequent violation within one year of first violation	\$ 1,000.00
Large weighing or measuring instruments or devices:	
First violation	\$ 500.00
Second or subsequent violation within one year of first violation	\$ 2,000.00
<u>Electric vehicle fuel measuring instruments or devices:</u>	
<u>First violation</u>	<u>\$ 200.00</u>
<u>Second or subsequent violation within one year of first violation</u>	<u>\$ 500.00</u>

(2) For the purposes of this section:

(a) The following are small weighing or measuring instruments or devices: Scales of zero to four hundred pounds capacity, liquid fuel metering devices with flows of not more than twenty gallons per minute, liquid petroleum gas meters with one inch in diameter or smaller dispensers, fabric meters, cordage meters, and taxi meters.

(b) The following are medium weighing or measuring instruments or devices: Scales of four hundred one to five thousand pounds capacity, liquid fuel metering devices with flows of more than twenty but not more than one hundred fifty gallons per minute, and mass flow meters.

(c) The following are large weighing or measuring instruments or devices: Liquid petroleum gas meters with greater than one inch diameter dispensers, liquid fuel metering devices with flows over one hundred fifty gallons per minute, and scales of more than five thousand pounds capacity and scales of more than five thousand pounds capacity with supplemental devices.

(3) The weighing or measuring instrument or device owner may appeal the civil penalty.

NEW SECTION. Sec. 11. A new section is added to chapter 19.94 RCW to read as follows:

(1) An electric vehicle service provider that fails to meet the requirements established under sections 4 through 6 of this act, or any rule adopted pursuant to the authority granted to the department under sections 4 through 6 of this act, is subject to a civil penalty of \$200 per electric vehicle supply equipment for the first violation and \$500 per electric vehicle supply equipment for each subsequent violation within one year of the first violation.

(2) Moneys collected under this section must first be used to cover the department's costs to enforce this section. Any remaining moneys must be deposited into the electric vehicle account created in RCW 82.44.200.

Sec. 12. RCW 46.08.185 and 2013 c 60 s 1 are each amended to read as follows:

(1) ~~((An)) Publicly available electric vehicle ((charging station)) supply equipment~~ must be indicated by vertical signage identifying the station as ~~((an)) publicly available electric vehicle ((charging station)) supply equipment~~ and indicating that it is only for electric vehicle charging. The signage must be consistent with the manual on uniform traffic control devices, as adopted by the department of transportation under RCW 47.36.030, and contain the information required in section 4 of this act. ~~((Additionally, the electric vehicle charging station must be indicated by green pavement markings.))~~ Supplementary signage may be posted to provide additional information including, but not limited to, the amount of the monetary penalty under subsection (2) of this section for parking in the station while not connected to the charging equipment.

(2) It is a parking infraction, with a monetary penalty of one hundred twenty-four dollars, for any person to park a vehicle in ~~((an electric vehicle charging station provided on public or private property))~~ a parking space served by publicly available electric vehicle supply equipment if the vehicle is not connected to the charging equipment. The parking infraction must be processed as prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270~~((3))~~ (2).

(3) For purposes of this section, "publicly available electric vehicle ((charging station))" ~~means a public or private parking space that is served by charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle~~) supply equipment" has the same meaning as provided in RCW 19.94.010 and described in sections 2 and 3 of this act.

Sec. 13. RCW 19.28.211 and 2013 c 23 s 33 are each amended to read as follows:

(1) The department shall issue a certificate of competency to

all applicants who have passed the examination provided in RCW 19.28.201, met the in-class education requirements of RCW 19.28.205 if applicable, and who have complied with RCW 19.28.161 through 19.28.271 and the rules adopted under this chapter. The certificate may include a photograph of the holder. The certificate shall bear the date of issuance, and shall expire on the holder's birthday. The certificate shall be renewed every three years, upon application, on or before the holder's birthdate. A fee shall be assessed for each certificate and for each annual renewal.

(2) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. For pump and irrigation or domestic pump specialty electricians, the continuing education course may combine both electrical and plumbing education provided that there is a minimum of four hours of electrical training in the course.

(a) The contents and requirements for satisfactory completion of the continuing education course shall be determined by the director and approved by the board.

(b) The department shall accept proof of a certificate holder's satisfactory completion of a continuing education course offered in another state as meeting the requirements for maintaining a current Washington state certificate of competency if the department is satisfied the course is comparable in nature to that required in Washington state for maintaining a current certificate of competency.

(3) If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

(4) ~~((The))~~ Except for electric vehicle infrastructure training program certification requirements specified in section 14 of this act, the certificates of competency and temporary permits provided for in this chapter grant the holder the right to work in the electrical construction trade as a master electrician, journey level electrician, or specialty electrician in accordance with their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license, permit, or fee to engage in such work.

NEW SECTION. Sec. 14. A new section is added to chapter 19.28 RCW to read as follows:

(1) The legislature finds that consistent training standards for installers of electric vehicle supply equipment is necessary to ensure interoperability, consumer access, and reliability of electric vehicle supply equipment.

(2) Effective July 1, 2023, all electric vehicle supply equipment intended to be available for public use and located on the customer side of the electric utility service point as defined in the 2020 national electrical code must be installed by appropriately licensed electrical contractors and appropriately certified electricians meeting the following qualifications:

(a) On each jobsite where such electric vehicle supply equipment is being installed or maintained, at least one appropriately certified electrician must be present, at any given time, who holds an electric vehicle infrastructure training program certification as specified by rule of the department; and

(b) On each jobsite where such electric vehicle supply equipment includes one or more charging ports intended for supplying 25 kilowatts or more to a vehicle are being installed, at least 25 percent of the total certified electricians present on the jobsite at any given time must hold an electric vehicle

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infrastructure training program certification as specified by rule of the department.

(3) Exemptions from electrical contractor licensing and electrician certification laws in this chapter do not apply to work described in this section.

(4) Subsection (2) of this section does not apply to electric vehicle charging infrastructure and electric vehicle supply equipment that are subject to any agreements or contracts with any public agency entered into prior to January 1, 2022, even if it is funded or authorized after January 1, 2022.

NEW SECTION. Sec. 15. A new section is added to chapter 19.94 RCW to read as follows:

If an electric vehicle service provider sells or intends to sell consumer data collected during or associated with a charging session, the electric vehicle service provider shall disclose all types of data collected to the consumer.

NEW SECTION. Sec. 16. Section 15 of this act takes effect only if chapter . . . (Substitute Senate Bill No. 5062), Laws of 2021 is not enacted by June 30, 2021."

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517, 46.08.185, and 19.28.211; adding new sections to chapter 19.94 RCW; adding a new section to chapter 19.28 RCW; prescribing penalties; and providing a contingent effective date."

Senators Liias and Das spoke in favor of adoption of the striking amendment.

Senator Braun spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 532 by Senator Liias to Second Substitute Senate Bill No. 5192.

The motion by Senator Liias did not carry and striking floor amendment no. 532 was not adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Second Substitute Senate Bill No. 5192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5192.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5192 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the

title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1192, by Representatives Goodman and Dufault

Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 1192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1192.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1192 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED HOUSE BILL NO. 1192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1031, by Representatives Walen, Valdez, Leavitt, Ortiz-Self, Springer, Stonier and Santos

Concerning the government issuance of a certificate of birth resulting in stillbirth.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Muzzall, Wagoner, Salomon and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1031.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1031 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1022, by Representatives MacEwen, Kloba, Peterson, Kirby and Schmick

Modifying Washington state horse racing commission provisions.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following floor amendment no. 512 by Senator Rolfes be adopted:

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

"NEW SECTION. Sec. 2. This act expires June 30, 2023."

On page 1, line 2 of the title, after "provisions;" strike "and amending RCW 67.16.100" and insert "amending RCW 67.16.100; and providing an expiration date"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 512 by Senator Rolfes on page 2, line 2 to House Bill No. 1022.

The motion by Senator Rolfes carried and floor amendment no. 512 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1022.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1022 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers,

Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri)

Increasing worker protections.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 589 by Senator Short be adopted:

On page 1, line 17, after "workplace." insert "Any order issued under this section must include the full text of any law, rule, guidance, or policy governing the order, including the effective date of the law, rule, guidance, or policy."

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 589 by Senator Short on page 1, line 17 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Short did not carry and floor amendment no. 589 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 593 by Senator Rivers be adopted:

On page 7, line 8, after "~~((thirty))~~" strike "90" and insert "45"

Senators Rivers and King spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 593 by Senator Rivers on page 7, line 8 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Rivers did not carry and floor amendment no. 593 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following floor amendment no. 586 by Senator Honeyford be adopted:

On page 7, line 29, after "(3)" insert "Within 10 days of the receipt of the complaint filed under this section, the director shall notify the employer of the complaint."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the

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adoption of floor amendment no. 586 by Senator Honeyford on page 7, line 29 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Honeyford did not carry and floor amendment no. 586 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 590 by Senator Wagoner be adopted:

On page 8, line 32, after "has" strike "15 working" and insert "30"

On page 8, line 37, after "within" strike "15 working" and insert "30"

Senators Wagoner and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 590 by Senator Wagoner on page 8, line 32 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Wagoner carried and floor amendment no. 590 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 602 by Senator King be adopted:

Beginning on page 10, line 1, strike all of section 4

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

On page 1, line 2 of the title, after "49.17.140," strike "49.17.160, and 49.17.180" and insert "and 49.17.160"

Senators King and Padden spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 602 by Senator King on page 10, line 1 to Engrossed Substitute House Bill No. 1097.

The motion by Senator King did not carry and floor amendment no. 602 was not adopted by voice vote.

MOTION

Senator Keiser moved that the following floor amendment no. 570 by Senator Keiser be adopted:

On page 13, line 19, after "(6)" insert "All funds expended from the accident fund for grants under this section must be reimbursed to the accident fund from the state general fund in the omnibus appropriations act adopted for the biennium following the expenditures.

(7)"

Correct any internal references accordingly.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 570 by Senator Keiser on page 13, line 19 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Keiser carried and floor amendment no. 570 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Mullet spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1097.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1097 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frocht, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:27 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:15 p.m. by President Heck.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, by House Committee on Public Safety (originally sponsored by J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley)

Establishing requirements for tactics and equipment used by peace officers.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency," as those terms are defined in RCW 10.93.020, and any state or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. "Law enforcement agency" does not include the national guard or state guard under Title 38 RCW or any other division of the United States armed forces.

(2) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020, and any employee, whether part-time or full-time, of a jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility.

NEW SECTION. Sec. 2. (1) A peace officer may not use a chokehold on another person in the course of his or her duties as a peace officer.

(2) A peace officer may not use a neck restraint on another person in the course of his or her duties as a peace officer unless the neck restraint is necessary to protect against an imminent threat of serious physical injury or death to the officer or another person.

(3) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(4) For the purposes of this section:

(a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

NEW SECTION. Sec. 3. (1) The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a statewide organization advocating for Black Americans; a statewide organization advocating for Latinos; a statewide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the

use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022.

NEW SECTION. Sec. 4. (1) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a riot inside a correctional, jail, or detention facility, barricaded subject, or hostage situation. Prior to deploying tear gas, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas;

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives; and

(e) Announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

(2) For the purposes of this section:

(a) "Chief law enforcement officer" refers to the chief law enforcement officer of the law enforcement agency, including: The sheriff or chief for a general authority Washington law enforcement agency; and the executive head of the department or agency for a limited authority Washington law enforcement agency, such as the secretary of corrections for the department of corrections.

(b) "Tear gas" refers to chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

NEW SECTION. Sec. 5. (1) A law enforcement agency may not acquire or use any military equipment. Any law enforcement agency in possession of military equipment as of the effective date of this section shall return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

(2)(a) Each law enforcement agency shall compile an inventory of military equipment possessed by the agency, including the proposed use of the equipment, estimated number of times the equipment has been used in the prior year, and whether such use is necessary for the operation and safety of the agency or some other public safety purpose. The agency shall provide the inventory to the Washington association of sheriffs and police chiefs no later than November 1, 2021.

(b) The Washington association of sheriffs and police chiefs shall summarize the inventory information from each law enforcement agency and provide a report to the governor and the appropriate committees of the legislature no later than December 31, 2021.

(3) For the purposes of this section:

(a) "Military equipment" means firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft,

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tanks, mine resistant ambush protected vehicles, long range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons.

(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or antitank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other nonexplosive grenades designed to temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear gas grenade, or blast ball.

(4) This section does not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment. This may include, for example: Medical supplies; hospital and health care equipment; office supplies, furniture, and equipment; school supplies; warehousing equipment; unarmed vehicles and vessels; conducted energy weapons; public address systems; scientific equipment; and protective gear and weather gear.

NEW SECTION. Sec. 6. All law enforcement agencies shall adopt policies and procedures to ensure that uniformed peace officers while on duty and in the performance of their official duties are reasonably identifiable. For purposes of this section, "reasonably identifiable" means that the peace officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer.

NEW SECTION. Sec. 7. (1) A peace officer may not engage in a vehicular pursuit, unless:

(a) There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9.94A.030, a driving under the influence offense under RCW 46.61.502, or an escape under chapter 9A.76 RCW;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances;

(d)(i) Except as provided in (d)(ii) of this subsection, the officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency

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procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed law enforcement officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

Sec. 8. RCW 10.31.040 and 2010 c 8 s 1030 are each amended to read as follows:

(1) To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other ((inclosure [enclosure] found)) enclosure, if, after notice of his or her office and purpose, he or she be refused admittance.

(2) An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

NEW SECTION. Sec. 9. RCW 43.101.226 (Vehicular pursuits—Model policy) and 2003 c 37 s 2 are each repealed.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 10.31.040; adding a new chapter to Title 10 RCW; repealing RCW 43.101.226; and providing an expiration date."

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

Senator Padden spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 1054.

The motion by Senator Pedersen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 493 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency," as those terms are defined in RCW 10.93.020, and any state or local agency providing or

otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. "Law enforcement agency" does not include the national guard or state guard under Title 38 RCW or any other division of the United States armed forces.

(2) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020, and any employee, whether part-time or full-time, of a jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility.

NEW SECTION. Sec. 2. (1) A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(3) For the purposes of this section:

(a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

NEW SECTION. Sec. 3. (1) The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a statewide organization advocating for Black Americans; a statewide organization advocating for Latinos; a statewide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the

model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022.

NEW SECTION. Sec. 4. (1) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a: (a) Riot inside a correctional, jail, or detention facility; (b) barricaded subject; or (c) hostage situation.

(2) Prior to deploying tear gas as authorized under subsection (1) of this section, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas;

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives; and

(e) Announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

(3) For the purposes of this section:

(a) "Barricaded subject" means an individual who is the focus of a law enforcement intervention effort, has taken a position in a physical location that does not allow immediate law enforcement access, and is refusing law enforcement orders to exit.

(b) "Chief law enforcement officer" means the chief law enforcement officer of the law enforcement agency, including: The sheriff or chief for a general authority Washington law enforcement agency; and the executive head of the department or agency for a limited authority Washington law enforcement agency, such as the secretary of corrections for the department of corrections.

(c) "Hostage situation" means a scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.

(d) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

NEW SECTION. Sec. 5. (1) A law enforcement agency may not acquire or use any military equipment. Any law enforcement agency in possession of military equipment as of the effective date of this section shall return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

(2)(a) Each law enforcement agency shall compile an inventory of military equipment possessed by the agency, including the proposed use of the equipment, estimated number of times the equipment has been used in the prior year, and whether such use is necessary for the operation and safety of the agency or some other public safety purpose. The agency shall provide the inventory to the Washington association of sheriffs and police chiefs no later than November 1, 2021.

(b) The Washington association of sheriffs and police chiefs shall summarize the inventory information from each law enforcement agency and provide a report to the governor and the appropriate committees of the legislature no later than December 31, 2021.

(3) For the purposes of this section:

(a) "Military equipment" means firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, mine resistant ambush protected vehicles, long range

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acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons.

(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or antitank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other nonexplosive grenades designed to temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear gas grenade, or blast ball.

(4) This section does not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment. This may include, for example: Medical supplies; hospital and health care equipment; office supplies, furniture, and equipment; school supplies; warehousing equipment; unarmed vehicles and vessels; conducted energy weapons; public address systems; scientific equipment; and protective gear and weather gear.

NEW SECTION. Sec. 6. All law enforcement agencies shall adopt policies and procedures to ensure that uniformed peace officers while on duty and in the performance of their official duties are reasonably identifiable. For purposes of this section, "reasonably identifiable" means that the peace officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer.

NEW SECTION. Sec. 7. (1) A peace officer may not engage in a vehicular pursuit, unless:

(a)(i) There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9.94A.030, or an escape under chapter 9A.76 RCW; or

(ii) There is reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d)(i) Except as provided in (d)(ii) of this subsection, the officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to

participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

Sec. 8. RCW 10.31.040 and 2010 c 8 s 1030 are each amended to read as follows:

(1) To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other (~~inclosure~~ ~~enclosure~~) enclosure, if, after notice of his or her office and purpose, he or she be refused admittance.

(2) An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

NEW SECTION. Sec. 9. RCW 43.101.226 (Vehicular pursuits—Model policy) and 2003 c 37 s 2 are each repealed.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 10.31.040; adding a new chapter to Title 10 RCW; repealing RCW 43.101.226; and providing an expiration date."

MOTION

Senator McCune moved that the following floor amendment no. 592 by Senator McCune be adopted:

On page 1, line 23, after "chokehold" strike "or neck restraint"

On page 1, line 26, after "section" insert "and the determination made by the criminal justice training commission under subsection (4) of this section"

On page 2, beginning on line 1, after "(b)" strike all material through "flow" on line 3 and insert "'Lateral vascular neck restraint" means the use of a control technique where pressure is applied to the sides of the neck, using a combination of physiological factors to restrict blood flow to the brain, which may cause the subject to temporarily lose consciousness"

On page 2, after line 3, insert the following:

"(4) The criminal justice training commission shall conduct a study to determine whether the use of a lateral vascular neck restraint constitutes deadly force, as defined in RCW 9A.16.010. The criminal justice training commission shall publish its findings in a report on its website by December 1, 2021. If the commission determines the use of a lateral vascular neck restraint does not constitute deadly force, the report required under this subsection must include a determination as to the appropriate circumstances for use of a lateral vascular neck restraint by a peace officer."

Senators McCune and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 592 by Senator McCune on page 1, line 23 to striking floor amendment no. 493.

The motion by Senator McCune did not carry and floor amendment no. 592 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 608 by Senator Padden be adopted:

On page 1, line 23, after "chokehold" strike "or neck restraint"
 On page 1, beginning on line 27, after "section" strike ": (a) 'Chokehold" and insert ", 'chokehold"
 On page 2, beginning on line 1, strike all of subsection (b)

Senators Padden, Wagoner and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 608 by Senator Padden on page 1, line 23 to striking floor amendment no. 493.

The motion by Senator Padden did not carry and floor amendment no. 608 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 577 by Senator Holy be adopted:

On page 2, beginning on line 9, after "following:" strike all material through "enforcement" on line 11 and insert "Families who have had a loved one injured or wounded by a law enforcement canine"

On page 2, beginning on line 27, after "(a)" strike all material through "(b)" on line 29

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

On page 3, line 6, after "policy" insert "for the training of canine teams"

Senator Holy spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 577 by Senator Holy on page 2, line 9 to striking floor amendment no. 493.

The motion by Senator Holy did not carry and floor amendment no. 577 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 578 by Senator Holy be adopted:

On page 3, beginning on line 17, after "from" strike "the chief law enforcement" and insert "a supervising"

On page 3, line 23, after "gas;" insert "and"

On page 3, beginning on line 25, after "directives" strike all

material through "use tear gas" on line 27

Beginning on page 3, line 33, after "(b)" strike all material through "(c)" on page 4, line 1

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

Senators Holy, Fortunato, Ericksen, Hobbs and Gildon spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 578 by Senator Holy on page 3, line 17 to striking floor amendment no. 493.

The motion by Senator Holy did not carry and floor amendment no. 578 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 579 by Senator Wagoner be adopted:

On page 4, beginning on line 30, after "tanks," strike "mine resistant ambush protected vehicles,"

Senators Wagoner, Hawkins and Dozier spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 579 by Senator Wagoner on page 4, line 30 to Engrossed Substitute House Bill No. 1054.

The motion by Senator Wagoner did not carry and floor amendment no. 579 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 580 by Senator Wagoner be adopted:

On page 4, beginning on line 31, after "vehicles," strike "long range acoustic hailing devices,"

On page 5, after line 11, insert the following:

"(5) A law enforcement agency may acquire and use a long range acoustic hailing device from the military so long as the device is used only for the purposes of communication."

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

Senator Fortunato spoke on adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 580 by Senator Wagoner on page 4, line 31 to striking floor amendment no. 493.

The motion by Senator Wagoner did not carry and floor amendment no. 580 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 581 by Senator Holy be adopted:

On page 5, line 21, after "There is" strike "probable cause" and insert "reasonable suspicion"

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Senator Holy spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 581 by Senator Holy on page 5, line 21 to striking floor amendment no. 493.

The motion by Senator Holy did not carry and floor amendment no. 581 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 582 by Senator Wagoner be adopted:

On page 5, line 24, after "RCW;" strike "or"

On page 5, line 27, after "46.61.502;" insert "or"

(iii) There is reasonable suspicion a person in the vehicle has committed or is committing vehicular assault under RCW 46.61.522;"

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 582 by Senator Wagoner on page 5, line 24 to striking floor amendment no. 493.

The motion by Senator Wagoner did not carry and floor amendment no. 582 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 583 by Senator Fortunato be adopted:

On page 5, line 24, after "RCW;" strike "or"

On page 5, line 27, after "46.61.502;" insert "or"

(iii) There is reasonable suspicion a person in the vehicle has committed or is committing any offense involving a firearm;"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 583 by Senator Fortunato on page 5, line 24 to striking floor amendment no. 493.

The motion by Senator Fortunato did not carry and floor amendment no. 583 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 591 by Senator Short be adopted:

On page 5, line 24, after "RCW;" strike "or"

On page 5, line 27, after "46.61.502;" insert "or"

(iii) There is reasonable suspicion a person in the vehicle has committed or is committing a hit and run offense under RCW 46.52.010 or 46.52.020;"

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

Senator Pedersen spoke against adoption of the amendment to

the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 591 by Senator Short on page 5, line 24 to striking floor amendment no. 493.

The motion by Senator Short did not carry and floor amendment no. 591 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following floor amendment no. 584 by Senator Honeyford be adopted:

On page 5, line 27, after "RCW 46.61.502" insert "or a reckless driving offense under RCW 46.61.500"

Senators Honeyford, Gildon and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senators Pedersen, Dhingra and Frockt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 584 by Senator Honeyford on page 5, line 27 to striking floor amendment no. 493.

The motion by Senator Honeyford did not carry and floor amendment no. 584 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following floor amendment no. 585 by Senator Honeyford be adopted:

On page 7, at the beginning of line 1, strike "(1)"

On page 7, beginning on line 6, strike all of subsection (2)

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 585 by Senator Honeyford on page 7, line 1 to striking floor amendment no. 493.

The motion by Senator Honeyford did not carry and floor amendment no. 585 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 609 by Senator Padden be adopted:

On page 7, beginning on line 10, strike all of section 9 and insert the following:

"Sec. 9. RCW 43.101.226 and 2003 c 37 s 2 are each amended to read as follows:

(1) By December 1, (~~2003~~) 2021, the Washington state criminal justice training commission, the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers shall develop a written model policy on vehicular pursuits.

(2) The model policy must meet all of the following minimum standards:

(a) Provide for supervisory control, if available, of the pursuit;

(b) Provide procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(c) Provide procedures for coordinating operations with other

jurisdictions; and

(d) Provide guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

(3) By June 1, (~~2004~~) 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written vehicular pursuit policy. The policy adopted may, but need not, be the model policy developed under subsections (1) and (2) of this section. However, any policy adopted must address the minimum requirements specified in subsection (2) of this section."

On page 7, beginning on line 15, after "10.31.040" strike all material through "43.101.226;" on line 16 and insert "and 43.101.226; adding a new chapter to Title 10 RCW;"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 609 by Senator Padden on page 7, line 10 to striking floor amendment no. 493.

The motion by Senator Padden did not carry and floor amendment no. 609 was not adopted by voice vote.

Senator Pedersen spoke in favor of adoption of the striking amendment as amended.

Senator Hobbs spoke against adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 493 by Senator Pedersen as amended to Engrossed Substitute House Bill No. 1054.

The motion by Senator Pedersen carried and striking floor amendment no. 493 as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 1054, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

POINT OF INQUIRY

Senator Padden: "Senator Pedersen, Chairman of the Senate Law and Justice Committee, do you agree that a peace officer always has a legal defense for necessity for the right of self-defense if an officer has reasonable belief that he or she must protect themselves or others, and when there are no other reasonable alternatives available at the time the peace officer acts?"

Senator Pedersen: "Thank you very much for the question Senator Padden. I do agree there's nothing in the bill that undoes the common law defenses that would be available to officers in those situations."

Senator Padden: "Thank you Senator Pedersen. And thank you Mr. President."

Senator Wellman spoke in favor of passage of the bill.

Senators Fortunato, Ericksen, King, Holy, McCune, Wilson, J.,

and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1054 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1054, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1001, by Representatives Maycumber, Lovick, Ryu, Boehnke, Leavitt, Lekanoff, Tharinger, Goodman, Young, Graham, Cody, Robertson and J. Johnson

Establishing a law enforcement professional development outreach grant program.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1001.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1001 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1001, having received the constitutional majority, was declared passed. There being no objection, the title

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of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on Health Care & Wellness (originally sponsored by Thai, Cody, Ormsby, Pollet and Harris-Talley)

Concerning the definition of compounding for purposes of the practice of pharmacy.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1445 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1034, by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie

Concerning park and recreation district levies.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.69.145 and 2010 c 106 s 303 are each amended to read as follows:

(1) A park and recreation district may impose regular property tax levies in an amount equal to ~~((sixty))~~ 60 cents or less per ~~((thousand dollars))~~ \$1,000 of assessed value of property in the district in each year for six consecutive years when specifically

authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of voters voting "yes" on the proposition must constitute three-fifths of a number equal to ~~((forty))~~ 40 per centum of the number of voters voting in such district at the last preceding general election when the number of voters voting on the proposition does not exceed ~~((forty))~~ 40 per centum of the number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters thereof voting on the proposition if the number of voters voting on the proposition exceeds ~~((forty))~~ 40 per centum of the number of voters voting in such taxing district in the last preceding general election. A proposition authorizing the tax levies may not be submitted by a park and recreation district more than twice in any ~~((twelve))~~ 12-month period. Ballot propositions must conform with RCW 29A.36.210. ~~((In the event a park and recreation district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the one percent limitation provided for in Article 7, section 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043(2), the park and recreation district property tax levy must be reduced or eliminated as provided in RCW 84.52.010.))~~

(2) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section following the approval of the levies by the voters under subsection (1) of this section.

Sec. 2. RCW 84.52.010 and 2017 c 196 s 10 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however, any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 36.69.145 by a park and recreation district described under (a)(vii) of this subsection (3), 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, and the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the

combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 36.69.145 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated. This subsection (3)(a)(vii) only applies to a park and recreation district located on an island and within a county with a population exceeding 2,000,000;

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of ~~((thirty))~~ 30 cents per ~~((thousand dollars))~~ \$1,000 of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

~~((viii))~~ (ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the ~~((thirty))~~ 30 cents per ~~((thousand dollars))~~ \$1,000 of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these

limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, ~~((36.69.145,))~~ 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levies for metropolitan park districts, and the first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levy, and public hospital districts under their first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

Sec. 3. RCW 84.52.043 and 2020 c 253 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levies by the state may not exceed the applicable aggregate rate limit specified in RCW 84.52.065 (2) or (4) adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed one dollar and ~~((eighty))~~ 80 cents per ~~((thousand dollars))~~ \$1,000 of assessed value; (c) the levy by any road district may not exceed two dollars and ~~((twenty five))~~ 25 cents per ~~((thousand dollars))~~ \$1,000 of assessed value; and (d) the levy by any city or town may not exceed three dollars and ~~((thirty seven and one half))~~ 37.5 cents per ~~((thousand dollars))~~ \$1,000 of assessed value. However, any county is hereby authorized to increase its levy from one dollar and ~~((eighty))~~ 80 cents to a rate not to exceed two dollars and ~~((forty seven and one half))~~ 47.5 cents per ~~((thousand dollars))~~ \$1,000 of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per ~~((thousand dollars))~~ \$1,000 of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

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(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ~~((ninety)) 90 cents per ((thousand dollars)) \$1,000~~ of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; ~~((and))~~ (l) levies imposed by a regional transit authority under RCW 81.104.175; and (m) levies imposed by park and recreation districts under RCW 36.69.145.

NEW SECTION. Sec. 4. This act applies to taxes levied for collection in calendar years 2022 through 2026.

NEW SECTION. Sec. 5. This act expires January 1, 2027."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 36.69.145, 84.52.010, and 84.52.043; creating a new section; and providing an expiration date."

MOTION

Senator Rolfes moved that the following floor amendment no. 607 by Senator Rolfes be adopted:

On page 4, at the beginning of line 28, strike "~~((36.69.145;))~~" and insert "36.69.145 except a park and recreation district described under (a)(vii) of this subsection."

On page 6, line 33, after "by" strike all material through "36.69.145" and insert "any park and recreation district described under RCW 84.52.010(3)(a)(vii)"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 607 by Senator Rolfes on page 4, line 28 to the committee striking amendment.

The motion by Senator Rolfes carried and floor amendment no. 607 was adopted by voice vote.

Senator Rolfes spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to House Bill No. 1034.

The motion by Senator Rolfes carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, House Bill No. 1034, as amended by the Senate, was advanced to third

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

Senator Rolfes spoke in favor of passage of the bill.
Senator Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1034 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1034, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Warnick, Wilson, J. and Wilson, L.

HOUSE BILL NO. 1034, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1356, by House Committee on Education (originally sponsored by Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet)

Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that the use of racially derogatory or discriminatory school mascots, logos, or team names in public schools is antithetical to their mission of providing an equal education to all, and contrary to the goal of making schools safe and respectful learning environments.

(2) The legislature finds also that certain mascots, logos, or team names that are or have been used by schools and other entities are uniquely discriminatory in singling out the Native American community for derision and cultural appropriation.

(3) Although the inappropriate use of Native American names, symbols, or images may be premised on the promotion of unity or school spirit, their use fails to respect the cultural heritage of Native Americans and promote productive relationships between

sovereign governments. Furthermore, numerous individuals and organizations, including the United States commission on civil rights, have concluded that the use of Native American images and names in school sports is a barrier to equality and understanding, and that all residents of the United States would benefit from the discontinuance of their use.

(4) The legislature therefore, recognizing that no school has a cognizable interest in retaining a racially derogatory or discriminatory school mascot, logo, or team name, intends to prohibit the inappropriate use of Native American names, symbols, or images for those purposes.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Except as provided otherwise by this section, beginning January 1, 2022, public schools may not use Native American names, symbols, or images as school mascots, logos, or team names.

(2) Subsection (1) of this section does not apply to public schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or public schools in a county that contains all or part of a tribal reservation or tribal trust lands, if the tribe or tribes having regulatory jurisdiction over the territory within that boundary have:

(a) Been consulted by the appropriate school, district, or both. Consultations under this subsection (2)(a) must include summaries of completed and ongoing district and school actions required by RCW 28A.320.170; and

(b) Authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

(3) A public school may use uniforms or other materials after January 1, 2022, bearing Native American names, symbols, or images as mascots, logos, or team names if the uniforms or materials were purchased before January 1, 2022, and if:

(a) The school selects a new mascot, logo, or team name by December 31, 2021, to take effect in the 2021-22 school year;

(b) Except as provided otherwise by this subsection (3)(b), the school does not purchase or acquire any uniforms or materials that include the discontinued Native American name, symbol, or image. However, a school using the discontinued Native American name, symbol, or image may, until January 1, 2023, purchase or acquire a number of uniforms equal to up to twenty percent of the total number of uniforms used by a team, band, or cheer squad at that school during the 2021-22 school year solely to replace damaged or lost uniforms;

(c) The school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued Native American name, symbol, or image; and

(d) The school does not purchase, construct, or acquire a marquee, sign, or other new or replacement fixture that includes or bears the discontinued Native American name, symbol, or image.

(4) A public school that does not meet the geographic requirements in subsection (2) of this section is exempt from subsection (1) of this section if:

(a) The school is located in a county that is adjacent to a county that contains all or part of a tribal reservation or tribal trust lands; and

(b) The tribe that is consulted with and determines to authorize the use of the name, symbol, or image as a school mascot, logo, or team name as provided in subsection (2) of this section is the nearest federally recognized Indian tribe.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

(1) The office of the superintendent of public instruction shall create a grant program to provide transitional support grants to school districts to support schools that incur costs as a result of compliance with section 2 of this act.

(2) Costs eligible for use by grants provided under this section are costs resulting from the replacement or redesign of items and materials that display Native American names, symbols, or images, including, but not limited to:

(a) Uniforms and equipment used by a team, band, cheer squad, or other extracurricular activity;

(b) School signage, including reader boards and score boards;

(c) Floor designs in gymnasiums or other flooring or surfaces;

(d) School letterhead and other office supplies;

(e) School spirit store supplies and items; and

(f) School web pages.

(3) In administering grants under this section, the office of the superintendent of public instruction is encouraged to incentivize schools that use Native American names, symbols, or images as school mascots, logos, or team names to select a new mascot, logo, or team name by September 1, 2021.

(4) This section expires August 31, 2023.

NEW SECTION. Sec. 4. If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, section 3 of this act is null and void."

On page 1, line 3 of the title, after "names;" strike the remainder of the title and insert "adding new sections to chapter 28A.320 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Wilson, L. moved that the following floor amendment no. 611 by Senator Wilson, L. be adopted:

On page 3, beginning on line 7, after "instruction" strike all material through "grants to" on line 8 and insert "must reimburse"

On page 3, line 9, after "districts" strike "to support schools that incur" and insert "for their"

On page 3, line 10, after "act" insert ", up to a maximum of \$200,000 per school"

On page 3, line 11, after "for" strike "use by grants provided" and insert "reimbursement"

On page 3, line 12, after "are" insert "demonstrated"

On page 3, line 22, after "(3)" strike all material through "the" and insert "The"

On page 3, beginning on line 28, strike all of section 4

On page 4, line 3, after "creating" strike "new sections" and insert "a new section"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 611 by Senator Wilson, L. on page 3, line 7 to committee striking amendment.

The motion by Senator Wilson, L. did not carry and floor amendment no. 611 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1356.

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

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MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1356, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Warnick, Padden, Dozier and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1356 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1356, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Brown, Dozier, Fortunato, Honeyford, Padden, Schoesler, Short, Warnick and Wilson, J.

SUBSTITUTE HOUSE BILL NO. 1356, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521, by House Committee on Finance (originally sponsored by Entenman, Sullivan, Callan, Jacobsen, Taylor, Stokesbary, Gregerson and Ormsby)

Supporting warehousing and manufacturing job centers.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute House Bill No. 1521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1521.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1521 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nobles, Padden, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Honeyford, Nguyen, Pedersen and Schoesler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hunt: "Thank you Mr. President. You know, yesterday we had that amazing experience with the Billy Frank memorial, a statue bill, and I've been corresponding with his son, Willie Frank, who pointed out maybe we were a day early because today was Billy's late wife Sue Crystal's birthday. So, I just wanted to point that out and say that, you know, Sue was also a key part of this and that maybe we should have done it today. But I am glad that it's done. Thank you, Mr. President."

MOTION

At 7:03 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, April 7, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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