

**SIXTY FIFTH LEGISLATURE - REGULAR SESSION****TENTH DAY**

House Chamber, Olympia, Wednesday, January 17, 2018

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Colin Noorlun and Natalie Castro.. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Keith Wilson, Hood Canal Community Church, Washington.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) asked the Chamber to observe a moment of silence to remember the passing of Washington State University Quarterback Tyler Hilinski and House of Representatives employee of 30 years, John Gower.

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

**MESSAGE FROM THE SENATE**

January 15, 2018

MR. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8407,  
and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

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

**INTRODUCTION & FIRST READING**HB 2810 by Representatives Dolan and Doglio

AN ACT Relating to the Olympia and Tumwater school district regionalization factors; amending 2017 3rd sp.s. c 1 s 503 (uncodified); and creating a new section.

Referred to Committee on Appropriations.

HB 2811 by Representative Appleton

AN ACT Relating to modifying earned early release provisions; and amending RCW 9.94A.729 and 9.92.151.

Referred to Committee on Public Safety.

HB 2812 by Representatives Stonier, Sells and Pollet

AN ACT Relating to determinations of worker benefits and employer obligations based on a worker's status; amending RCW 39.12.010, 39.12.050, 49.46.010, 49.46.010, 50.04.100, 50.04.298, 50.12.070, 50.12.072, 50.24.070, 51.08.070, and 51.08.180; reenacting and amending RCW 49.48.082; adding a new section to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.46 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 51.12 RCW; adding new chapters to Title 49 RCW; creating new sections; repealing RCW 39.12.100, 50.04.140, 50.04.145, 51.08.181, and 51.08.195; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Labor &amp; Workplace Standards.

HB 2813 by Representatives Fey, Muri, McBride and Jinkins

AN ACT Relating to incentivizing the development of commercial office space in cities with a population of greater than thirty-five thousand and located in a county with a population of less than one million five hundred thousand; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; and providing an expiration date.

Referred to Committee on Local Government.

HB 2814 by Representatives Smith, McCabe and Young

AN ACT Relating to studying state policies and programs that impact the affordability of retail electric bills in Washington state; creating a new section; and providing an expiration date.

Referred to Committee on Technology &amp; Economic Development.

HB 2815 by Representatives Griffey, Reeves, Eslick, Steele and Young

AN ACT Relating to career and technical education in alternative learning experience programs; and amending RCW 28A.232.020.

Referred to Committee on Appropriations.

HB 2816 by Representatives Senn, Dent, Kagi, Muri and Appleton

AN ACT Relating to transferring all aspects of working connections child care and seasonal child care service delivery to the department of children, youth, and families, based on the recommendations required to be reported to the legislature pursuant to section 103, chapter 6, Laws of 2017 3rd sp. sess.; amending RCW 43.216.139, 43.216.141, 74.08A.341, and 43.216.135; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2817 by Representatives Frame, Irwin, Sells, Appleton, Pollet and Stanford

AN ACT Relating to limiting overtime for correctional officers; adding new sections to chapter 49.28 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2818 by Representatives Frame, Irwin, Chapman, Senn, Sells, Sawyer, Appleton, Fitzgibbon, Macri and Stanford

AN ACT Relating to the appointment of religious coordinators; amending RCW 41.04.360, 72.01.210, 72.01.210, and 72.01.212; providing an effective date; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2819 by Representatives Eslick, Chapman and Chandler

AN ACT Relating to public employees' retirement system eligible positions, including when an employer must report a retiree to the department of retirement systems; and amending RCW 41.40.010 and 41.50.139.

Referred to Committee on Appropriations.

HB 2820 by Representatives McCabe, Pettigrew, Stambaugh, Macri, Vick, Reeves, Jenkin, Sells, Kagi, Muri and Kilduff

AN ACT Relating to the healthy relationships campaign; adding a new section to chapter 50.44 RCW; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 2821 by Representatives McCabe, Manweller, Sells and Gregerson

AN ACT Relating to delegation of inspection duties; and amending RCW 43.22.470 and 43.22.450.

Referred to Committee on Labor & Workplace Standards.

HB 2822 by Representatives Steele, McBride, Muri, Johnson, Caldier, Valdez, Eslick and Gregerson

AN ACT Relating to the definition and misrepresentation of service animals; amending RCW 49.60.218 and 7.80.120; reenacting and amending RCW 49.60.040; adding a new section to chapter 49.60 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2823 by Representatives Steele, Holy and Stambaugh

AN ACT Relating to scholarship displacement in postsecondary institutions' gift equity packaging policies; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2824 by Representatives Harris, Dolan and Muri

AN ACT Relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education; amending RCW 28A.310.020, 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date.

Referred to Committee on Education.

HB 2825 by Representatives McDonald, Muri and Young

AN ACT Relating to providing motor vehicle excise tax relief to low-income senior citizens and disabled individuals; and amending RCW 81.104.160.

Referred to Committee on Transportation.

HB 2826 by Representatives Tharinger, Chapman, Appleton and Santos

AN ACT Relating to Indian health care in Washington state; amending RCW 38.52.040, 41.05.690, and 70.320.020; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 70 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2827 by Representative Kirby

AN ACT Relating to minimum liability insurance coverage for certain towing expenses; and amending RCW 46.29.090.

Referred to Committee on Business & Financial Services.

HB 2828 by Representative Riccelli

AN ACT Relating to the Washington interscholastic activities association and any voluntary nonprofit entity with the authority over interschool athletic activities and other interschool extracurricular activities for students of a school district; amending RCW 28A.600.200; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2829 by Representatives Eslick, Pike, Griffey and Young

AN ACT Relating to deannexing from a park and recreation district; amending RCW 36.69.310; and adding a new section to chapter 36.69 RCW.

Referred to Committee on Local Government.

HB 2830 by Representatives Eslick, Pike, Griffey and Van Werven

AN ACT Relating to employment opportunity training programs in restaurants and grocery stores; adding a new section to chapter 49.46 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2831 by Representatives Senn, Chapman, Clibborn, Vick, Springer, Appleton and Barkis

AN ACT Relating to construction defect actions; and amending RCW 64.50.040, 64.34.304, and 64.38.020.

Referred to Committee on Judiciary.

HB 2832 by Representatives Kilduff, Stambaugh, Tarleton, Haler, Orwall, Graves, Kagi, Hudgins, Appleton, Doglio, Pollet, Gregerson and Santos

AN ACT Relating to ensuring the passport to college promise program is available to certain populations of foster youth; and amending RCW 28B.117.020, 28B.117.030, and 28B.117.040.

Referred to Committee on Higher Education.

HB 2833 by Representatives Morris, Schmick and Hudgins

AN ACT Relating to transferring duties of the life sciences discovery fund; amending RCW 43.350.040, 43.350.050, and 43.350.070; adding new sections to chapter 43.330 RCW; recodifying RCW 43.350.040, 43.350.050, and 43.350.070; repealing RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.060, 43.350.901, and 43.350.903; and providing an effective date.

Referred to Committee on Technology & Economic Development.

HB 2834 by Representatives Kilduff, Caldier, Muri, Young and Appleton

AN ACT Relating to establishing an equitable debt service repayment plan for the Tacoma Narrows bridge; adding new sections to chapter 47.56 RCW; and providing expiration dates.

Referred to Committee on Transportation.

HB 2835 by Representatives Maycumber, Cody, Holy, Clibborn, Irwin, Lovick, Graves, DeBolt, Harris, Rodne, Stonier, Slatter, Kagi, Klippert, Eslick, Muri, Vick, Johnson and Young

AN ACT Relating to establishing a special allegation and sentencing enhancement for the use or consumption of heroin in the presence of a person under the age of eighteen; amending RCW 9.94A.533; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety.

HB 2836 by Representatives Jenkins, Harris, Cody, Tharinger, Stonier, Slatter, Clibborn, Macri, Riccelli, Robinson, Valdez, Appleton and Johnson

AN ACT Relating to delineating charity care and notice requirements without restricting charity care; amending RCW 70.170.020 and 70.170.060; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2837 by Representatives Kloba, Harris, Kirby, Robinson, Appleton, Johnson, Stonier, Dolan, Macri, Maycumber, Slatter and Stanford

AN ACT Relating to prior authorization; and amending RCW 48.43.016.

Referred to Committee on Health Care & Wellness.

HB 2838 by Representatives Dent, Wylie, Nealey and Chandler

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 90.50A.030.

Referred to Committee on Capital Budget.

HB 2839 by Representatives Morris, Slatter, Doglio and Fitzgibbon

AN ACT Relating to authorizing an alternative form of regulation of electrical and natural gas companies; amending RCW 80.28.005 and 80.28.010; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2840 by Representatives Shea, McCaslin, Eslick and Young

AN ACT Relating to protecting patients from vaccines containing mercury or aluminum; amending RCW 70.95M.115; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2841 by Representatives Shea, McCaslin, Eslick, DeBolt and Young

AN ACT Relating to distributing information about the risks associated with vaccinations; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2842 by Representatives Shea, McCaslin, Eslick and Young

AN ACT Relating to notification of availability of immunization exemptions; and amending RCW 28A.210.080.

Referred to Committee on Health Care & Wellness.

HB 2843 by Representative Kirby

AN ACT Relating to joint self-insurance programs for property and liability risks; amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.111, and 48.62.121; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Business & Financial Services.

HB 2844 by Representatives Stanford, Hudgins and Appleton

AN ACT Relating to call center retention; amending RCW 82.32.805; adding a new section to chapter 39.26 RCW; adding a new chapter to Title 50 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2845 by Representatives Dent, Blake, Dye, Reeves and Eslick

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

Referred to Committee on Commerce & Gaming.

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

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

## SECOND READING

**ENGROSSED HOUSE BILL NO. 1506, by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew**

**Addressing workplace practices to achieve gender pay equity.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1506 was substituted for Engrossed House Bill No. 1506 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1506 was read the second time.

With the consent of the house, amendment (662) was withdrawn.

Representative Maycumber moved the adoption of amendment (666).

0) On page 3, after line 27, insert the following:

"(4)A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a)Creating a gender pay equity program that alters or amends the requirements of this chapter for any private employer;

(b)Providing for local enforcement of the provisions of this chapter; or

(c)Requiring private employers to supplement the requirements or benefits provided under this chapter."

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

Representative Senn spoke against the adoption of the amendment.

#### MOTION

On motion of Representative Hayes, Representative Nealey was excused.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (666) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

Amendment (666) was not adopted.

Representative Stambaugh moved the adoption of amendment (665):

On page 3, beginning on line 34, after "including by" strike all material through "gender" on line 38 and insert "failing to provide information about career advancement opportunities on the basis of gender"

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

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (665) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey. Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey. was not found

Amendment (665) was not adopted.

Representative Muri moved the adoption of amendment (664):

On page 7, line 1, after "from" strike "four" and insert "three"

On page 7, line 11, after "from" strike "four" and insert "three"

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

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (664) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

Amendment (664) was not adopted.

Representative Smith moved the adoption of amendment (669):

On page 7, after line 2, insert the following:

"(6) (a) An employee who has filed a complaint under this chapter with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, by providing written notice to the department within ten business days after the employee's receipt of the department's citation and notice of assessment.

(b) If the employee elects to terminate the department's administrative action: (i) The department shall immediately discontinue its action against the employer; (ii) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (iii) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the employer of amounts assessed by the department in the citation and notice of assessment, shall not be admissible in

any court action or other judicial or administrative proceeding.

(c) Nothing in this section shall be construed to limit or affect: (i) The right of any employee to pursue any judicial, administrative, or other action available with respect to an employer; (ii) the right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a complaint under this chapter; or (iii) the right of the department to pursue any judicial, administrative, or other action otherwise authorized."

On page 7, line 3, after "Subject to" insert "section 7(6) of this act and"

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

Representative Senn spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (AMD) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

Amendment (669) was not adopted.

Representative McCaslin moved the adoption of the striking amendment (663):

0)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

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

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

**Sec. 3.** RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

(1) Any employer in this state (~~or employing both males and females, who~~

~~shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males)) who discriminates in any way in providing compensation based on gender between similarly employed (~~(, or in any employment formerly performed by males, shall be)) employees of the employer is guilty of a misdemeanor. If any ((female)) employee ((shall)) receives less compensation because of ((being discriminated against)) discrimination on account of ((her sex, and)) gender in violation of this section, ((she shall be)) that employee is entitled to ((recover in a civil action the full amount of compensation that she would have received had she not been discriminated against)) the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to ((her)) the employee upon account. ((A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.))~~~~

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(3)(a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

(e) The employer carries the burden of proof on these defenses.

(4) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a gender pay equity program that alters or amends the requirements of this chapter for any private employer;

(b) Providing for local enforcement of the provisions of this chapter; or

(c) Requiring private employers to supplement the requirements or benefits provided under this chapter.

**NEW SECTION. Sec. 4.** (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not limit or deprive an employee of career advancement opportunities that would otherwise be available to the employee but for the employee's gender, including by failing to provide information about career advancement opportunities on the basis of gender.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3)(a) (i) through (iii) (as recodified by this act) does not constitute discrimination within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW 49.12.175(3)(b) (i) through (iv) (as recodified by this act).

(4)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order the employer to pay to the employee actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand



dollars or ten percent of the damages, whichever is greater.

(f) Sections 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. **Sec. 5.** (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the employee's compensation.

(5) This section does not permit an employee to violate the requirements in chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. **Sec. 6.** An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or

instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. **Sec. 7.** (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who

prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from three years before the complaint.

(6)(a) An employee who has filed a complaint under this chapter with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, by providing written notice to the department within ten business days after the employee's receipt of the department's citation and notice of assessment.

(b) If the employee elects to terminate the department's administrative action: (i) The department shall immediately discontinue its action against the employer; (ii) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (iii) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the employer of amounts assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(c) Nothing in this section limits or affects: (i) The right of any employee to pursue any judicial, administrative, or other action available with respect to an employer; (ii) the right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a complaint under this chapter; or (iii) the right of the department to pursue any judicial, administrative, or other action otherwise authorized.

**NEW SECTION. Sec. 8.** (1) Subject to section 7(6) of this act and subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation

owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. Any wages and interest owed must be calculated from three years before the civil action was instituted.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through application of a formal or informal employer policy or practice.

**NEW SECTION. Sec. 9.** A violation of this chapter occurs when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

**NEW SECTION. Sec. 10.** The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

**NEW SECTION. Sec. 11.** The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

**NEW SECTION. Sec. 12.** RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

**NEW SECTION. Sec. 13.** Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW."

Correct the title.

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

Representative Sells spoke against the adoption of the striking amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of the striking amendment (663) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves,

Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

The striking amendment (663) was not adopted.

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

Representatives Senn, McCabe, Doglio, Graves, Sells, Johnson, Slatter, Caldier, Jinkins, Tarleton and Young spoke in favor of the passage of the bill.

Representatives Van Werven and Pike spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1506.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1506, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harris, Hayes, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harmsworth, Holy, Irwin, Jenkin, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Orcutt, Pike, Schmick, Shea, Stokesbary, Taylor, Van Werven, Vick, Volz and Wilcox.

Excused: Representative Nealey.

SECOND SUBSTITUTE HOUSE BILL NO. 1506, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Cody, Kagi, Johnson, Appleton, Frame, Ormsby, Jinkins, Short, Young, DeBolt, Hudgins and Tarleton**

**Naming the 1063 Building "The Helen Sommers Building." (REVISED FOR ENGROSSED: Naming the 1063 Building "Helen Sommers Building.")**

There being no objection, the rules were suspended, and ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4400 was returned to second reading for the purpose of amendment.

### SECOND READING

Representative Hudgins moved the adoption of amendment (660).

On page 2, line 28, after "name "" strike "The"

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

Amendment (660) was adopted.

The bill was ordered engrossed.

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

Representatives Cody, Johnson and Frame spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Hayes, Representatives Barkis and Wilcox were excused

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Concurrent Resolution No. 4400.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Concurrent Resolution No. 4400, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes,

Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Wylie, Young and Mr. Speaker.

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

Excused: Representatives Barkis, Nealey and Wilcox.

ENGROSSED HOUSE CONCURRENT  
RESOLUTION NO. 4400, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2007, by Representatives Kagi, Appleton, Hudgins, Jinkins, Johnson, Kilduff, Senn, Tarleton, Frame, Stonier, Stambaugh, Lytton, Macri, Robinson, Ormsby, Doglio, Slatter and Pollet**

**Making provisions to commemorate the centennial of national women's suffrage.**

The bill was read the third time.

Representatives Kagi, DeBolt and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2007.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2007, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representatives Barkis, Nealey and Wilcox.

HOUSE BILL NO. 2007, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Tarleton: "Madame Speaker, I know that this body needs to recognize and needs to appreciate the extraordinary contributions of a statesman whom we lost earlier this week - Governor John Spellman. Governor Spellman was a giant throughout his adult life, working for the people of One Washington. He led this state through a very turbulent time, 1980-1984, when the country was experiencing deep recession; when there were enormous world tensions; when we were a state that, even then, was involved in aviation and exploration and space during the cold war, and he found ways to keep our state connected to our partners around the world. He found ways to invest in our people, our higher education institutions, our courts, to all of the parts of our society that we hold dear. He lived a full, involved and civically engaged life up to the age of 91 and all of us owe a debt of gratitude to him and his service, and can only hope that we honor his memory and his legacies by carrying forward all of his beliefs and his goals for the people of Washington state and I ask your help and support to honor his memory with a moment of silence."

#### POINT OF PERSONAL PRIVILEGE

Representative Chandler: "Thank you Madame Speaker. I also rise to urge the House to take a few moments to pay tribute to a man that left an indelible achievement in the public life of Washington state. Mr. Spellman was the first county executive for King County and he helped to reform all across the state, the way local governments were conducted. I think that what I most appreciate about Governor Spellman, actually, is that as county executive, he was instrumental in getting the Kingdome built, which of course is the only reason why we have the Mariners and the Seahawks. He was much involved, demonstrated a lot of leadership in making that happen. I would say that, as much as all the things that he accomplished over half a lifetime in public office, what he really left, I think, was a legacy of having an indelible and unending, unwavering respect, not just for those that supported him and all those that were close to him, but he was eminently respectful to those that disagreed with him and that opposed him, and he believed and defended their right to express their position and to fight for their cause just as he defended his own. I think that I would ask that the House remember the legacy of John Spellman and that we would continue to be mindful of the example and the character that he has set for us as we continue our work. Thank you Madame Speaker."

#### SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) asked the members to take a moment of silence to honor Governor Spellman.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE CONCURRENT RESOLUTION NO. 8407

The Speaker called upon Representative Orwall to preside.

There being no objection, the House adjourned until 10:00 a.m., January 18, 2018, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

Draft

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	Third Reading Final Passage .....	11	2833	Introduction & 1st Reading .....	3
2007	Third Reading .....	12	2834	Introduction & 1st Reading .....	3
	Third Reading Final Passage .....	12	2835	Introduction & 1st Reading .....	3
2810	Introduction & 1st Reading .....	1	2836	Introduction & 1st Reading .....	3
2811	Introduction & 1st Reading .....	1	2837	Introduction & 1st Reading .....	3
2812	Introduction & 1st Reading .....	1	2838	Introduction & 1st Reading .....	4
2813	Introduction & 1st Reading .....	1	2839	Introduction & 1st Reading .....	4
2814	Introduction & 1st Reading .....	1	2840	Introduction & 1st Reading .....	4
2815	Introduction & 1st Reading .....	1	2841	Introduction & 1st Reading .....	4
2816	Introduction & 1st Reading .....	2	2842	Introduction & 1st Reading .....	4
2817	Introduction & 1st Reading .....	2	2843	Introduction & 1st Reading .....	4
2818	Introduction & 1st Reading .....	2	2844	Introduction & 1st Reading .....	4
2819	Introduction & 1st Reading .....	2	2845	Introduction & 1st Reading .....	4
2820	Introduction & 1st Reading .....	2	4400	Amendment Offered .....	11
2821	Introduction & 1st Reading .....	2		Third Reading .....	11
2822	Introduction & 1st Reading .....	2		Third Reading Final Passage .....	12
2823	Introduction & 1st Reading .....	2	8407	Speaker Signed .....	12
2824	Introduction & 1st Reading .....	2		Messages .....	1
2825	Introduction & 1st Reading .....	2		HOUSE OF REPRESENTATIVES	
2826	Introduction & 1st Reading .....	2		Personal Privilege, Representative Appleton .....	12
2827	Introduction & 1st Reading .....	3		Personal Privilege, Representative Tarleton .....	12
2828	Introduction & 1st Reading .....	3		SPEAKER OF THE HOUSE (Representative Lovick presiding)	
2829	Introduction & 1st Reading .....	3		Speaker's Privilege .....	1
				SPEAKER OF THE HOUSE (Representative Orwall presiding)	
				Speaker's Privilege .....	12