

SIXTY SIXTH LEGISLATURE - REGULAR SESSION

SEVENTY FIRST DAY

House Chamber, Olympia, Monday, March 25, 2019

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 Lisha Martin and Ben Schuster. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dan Panter, McKenzie Road Baptist Church, Olympia, Washington.

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

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

INTRODUCTION & FIRST READING

HB 2155 by Representatives Morgan, Reeves, Pettigrew, Entenman, Kirby, Cody, Eslick, Appleton, Jenkin, Ormsby, Irwin, Shewmake, Slatter, Peterson, Fitzgibbon, Tharinger, Robinson, Jinkins, Santos, Wylie, Blake, Callan, Thai, Ryu, Frame, Gregerson, Doglio, Hudgins, Paul, Lovick, Stonier and Leavitt

AN ACT Relating to the state dinosaur; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 22, 2019

SB 5074 Prime Sponsor, Senator Kuderer: Enacting the uniform faithful presidential electors act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins; Dolan; Appleton; Pellicciotti, Vice Chair Gregerson, Chair.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker; Goehner, Assistant Ranking Minority Member; Walsh, Ranking Minority Member and Smith.

Referred to Committee on Rules for second reading.

March 22, 2019

SB 5207 Prime Sponsor, Senator Dhingra: Concerning notification of felony voting rights and restoration. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Appleton; Dolan; Hudgins and Smith.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

MINORITY recommendation: Do not pass. Signed by Representative Goehner, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 20, 2019

SB 5230 Prime Sponsor, Senator Wilson, C.: Amending motor vehicle laws to align with federal definitions, make technical corrections, and move an effective date to meet a federal timeline. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Shea; Riccelli; Ramos; Pellicciotti; Paul; Ortiz-Self; Orcutt; Mead; McCaslin; Lovick; Kloba; Irwin; Shewmake; Gregerson; Eslick; Dufault; Doglio; Dent; Chapman; Chambers; Boehnke; Walsh, Assistant Ranking Minority Member; Barkis, Ranking Minority Member; Wylie, 1st Vice Chair; Valdez, 2nd Vice Chair; Slatter, 2nd Vice Chair; Goehner and Van Werven.

Referred to Committee on Rules for second reading.

March 21, 2019

SB 5233 Prime Sponsor, Senator Keiser: Creating an alternative process for sick leave benefits for workers represented by collective bargaining agreements. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Initiative 1433 is a good law approved by the voters to establish sick leave benefits for workers. The law creates necessary worker protections while simultaneously reducing the spread of communicable sickness and disease and addressing other public health and safety concerns.

However, the legislature finds that this new law does not provide for flexibility and portability of benefits for construction workers who may work for multiple employers and who already negotiate wages and benefits with their employers. Workers covered under a collective bargaining agreement for the construction industry should be allowed the ability to negotiate comparable benefits that ensures that eligibility can be achieved and that the benefits are portable from employer to employer.

Sec. 2. RCW 49.46.020 and 2017 c 2 s 3 are each amended to read as follows:

(1)(a) Beginning January 1, 2017, and until January 1, 2018, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than eleven dollars per hour.

(b) Beginning January 1, 2018, and until January 1, 2019, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than eleven dollars and fifty cents per hour.

(c) Beginning January 1, 2019, and until January 1, 2020, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than twelve dollars per hour.

(d) Beginning January 1, 2020, and until January 1, 2021, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than thirteen dollars and fifty cents per hour.

(2)(a) Beginning on January 1, 2021, and each following January 1st as set forth under (b) of this subsection, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than the amount established under (b) of this subsection.

(b) On September 30, 2020, and on each following September 30th, the department of labor and industries shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year's

minimum wage rate by the rate of inflation. The adjusted minimum wage rate shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States department of labor. Each adjusted minimum wage rate calculated under this subsection (2)(b) takes effect on the following January 1st.

(3) An employer must pay to its employees: (a) All tips and gratuities; and (b) all service charges as defined under RCW 49.46.160 except those that, pursuant to RCW 49.46.160, are itemized as not being payable to the employee or employees servicing the customer. Tips and service charges paid to an employee are in addition to, and may not count towards, the employee's hourly minimum wage.

(4) Beginning January 1, 2018, except as provided in section 4 of this act, every employer must provide to each of its employees paid sick leave as provided in RCW 49.46.200 and 49.46.210.

(5) The director shall by regulation establish the minimum wage for employees under the age of eighteen years.

Sec. 3. RCW 49.46.210 and 2017 c 2 s 5 are each amended to read as follows:

(1) Beginning January 1, 2018, except as provided in section 4 of this act, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

NEW SECTION. Sec. 4. A new section is added to chapter 49.46 RCW to read as follows:

(1) The sick leave provisions of RCW 49.46.200 through 49.46.830 shall not apply to construction workers covered by a collective bargaining agreement, provided:

(a) The union signatory to the collective bargaining agreement is an approved referral union program authorized under RCW 50.20.010 and in compliance with WAC 192-210-110; and

(b) The collective bargaining agreement establishes equivalent sick leave provisions, as provided in subsection (2) of this section; and

(c) The requirements of RCW 49.46.200 through 49.46.830 are expressly waived in the collective bargaining agreement in clear and unambiguous terms or in an addendum to an existing agreement including an agreement that is open for negotiation provided the sick leave portions were previously ratified by the membership.

(2) Equivalent sick leave provisions provided by a collective bargaining agreement must meet the requirements of RCW 49.46.200 through 49.46.830 and the rules adopted by the department of labor and industries, except the payment of leave at the normal hourly compensation may occur before usage."

Correct the title.

Signed by Representatives Ormsby; Hoff; Gregerson; Chandler, Assistant Ranking Minority Member; Mosbrucker, Ranking Minority Member; Chapman, Vice Chair Sells, Chair.

Referred to Committee on Rules for second reading.

April 8, 2019

ESSB 5330 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Analyzing state regulatory impact on small forestland owners. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Small forestland owners own and manage approximately three million two hundred thousand acres of Washington's forestlands and exert a tremendous influence on public resources, including fish bearing streams, water quality, air, wildlife habitat, and carbon sequestration.

(2) Adoption of the forests and fish report was made possible, in part, by the agreement of small forestland owners who supported the intent of the law despite significant economic impacts to some members of the small forestland owner community. Twenty years after the adoption of the forests and fish report, it is time to evaluate

how the increased regulations have impacted small forestland owners and their land.

(3) When the forests and fish report was adopted, the legislature enacted RCW 76.13.100 as follows:

"(1) The legislature finds that increasing regulatory requirements continue to diminish the economic viability of small forest landowners. The concerns set forth in RCW 77.85.180 about the importance of sustaining forestry as a viable land use are particularly applicable to small landowners because of the location of their holdings, the expected complexity of the regulatory requirements, and the need for significant technical expertise not readily available to small landowners. The further reduction in harvestable timber owned by small forest landowners as a result of the rules to be adopted under RCW 76.09.055 will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, as defined in RCW 76.09.020.

(2) The legislature finds that the concerns identified in subsection (1) of this section should be addressed by establishing within the department of natural resources a small forest landowner office that shall be a resource and focal point for small forest landowner concerns and policies. The legislature further finds that a forestry riparian easement program shall be established to acquire easements from small landowners along riparian and other areas of value to the state for protection of aquatic resources. The legislature further finds that small forest landowners should have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. The small forest landowner office should be responsible for assisting small landowners in the development and implementation of these plans or restrictions."

(4) The twentieth anniversary of the adoption of the forests and fish report into law presents an optimal time to review how the state's regulatory actions, intended to benefit both landowners and habitat, have affected small forestland owners. How have programs intended to make up for the disproportionate economic impact been implemented? What can the legislature do to keep small forestland owners on the landscape, so their land will be available for salmon habitat and water quality rather than converted?

(5)(a) The school of environmental and forest sciences within the college of the environment at the University of Washington must complete a trends analysis.

(b) The trends analysis must address, at a minimum, the following questions:

(i) Have the number of small forestland owners increased or decreased?

(ii)(A) Has the acreage held by small forestland owners increased or decreased?

(B) Of the land no longer owned by small forestland owners, what percentage was converted to nonforest use, became industrial forestland, trust land, or some other use?

(c)(i) The school of environmental and forest sciences at the University of Washington, using the data from the trends analysis and other pertinent information, must:

(A) Determine which factors contributed to small forestland owners selling their land;

(B) Recommend actions the legislature can take to help keep forestland working; and

(C) Assess the effectiveness and implementation of the programs created in RCW 76.13.100(2) which described three programs to assist small forestland owners and mitigate the disproportionate economic impact. The assessment must include:

(I) Evaluating the effectiveness of the small forest landowner office: Does it have adequate resources and authority to successfully address landowner concerns? Has it received adequate funding to implement fully the duties as assigned through RCW 76.13.110?

(II) Forest riparian easement program: Does the structure of the program adequately address economic impact to small forestland owners? Has funding kept up with need? Has the lack of funding resulted in the loss of riparian habitat?

(III) Have meaningful alternate management plans or alternate harvest restrictions been developed for smaller harvest units?

(IV) Has the family forest fish passage program addressed economic impact to landowners and fish passage barriers adequately?

(ii) Would meaningful alternate harvest restrictions reduce the financial burden on the forest riparian easement program?

(iii) How can the legislature incentivize small forestland owners to maintain their land as forestland?

(iv) Could a program be developed to facilitate small forestland owner's participation in carbon markets?

(6) The University of Washington may reach out to a broad variety of stakeholders for input.

(7) The policy analysis must use the trends analysis, the regulatory impact analysis, and other data to provide recommendations on ways the forest practices board and the legislature can provide more effective incentives to encourage continued management of nonindustrial forests for forestry uses, including traditional timber harvest uses, open space uses, or as part of developing carbon market schemes.

(8) The University of Washington must report the results of the trends analysis and policy analysis to the appropriate committees of the legislature and the forest practices board by November 1, 2020, with recommendations to improve mitigation measures for small forestland owners and improve retention of working forestland held by small forestland owners.

(9) This section expires December 31, 2020.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Tarleton; Sutherland; Sullivan; Steele; Stanford; Springer; Senn; Schmick; Ryu; Pollet; Pettigrew; Mosbrucker; Macri;

Kraft; Jinkins; Hudgins; Hoff; Hansen; Fitzgibbon; Dye; Dolan; Cody; Chandler; Caldier; Rude, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Tharinger and Ybarra.

Referred to Committee on Appropriations.

March 21, 2019

SB 5398 Prime Sponsor, Senator Keiser: Concerning unemployment benefit eligibility for apprentices. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson; Hoff and Ormsby.

Referred to Committee on Rules for second reading.

March 21, 2019

SSB 5471 Prime Sponsor, Committee on Labor & Commerce: Extending the validity of temporary elevator licenses, expanding membership of the elevator safety advisory committee, and allowing homeowners to remove certain conveyances from their residences. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby; Hoff; Gregerson; Chandler, Assistant Ranking Minority Member; Mosbrucker, Ranking Minority Member; Chapman, Vice Chair Sells, Chair.

Referred to Committee on Rules for second reading.

March 22, 2019

SSB 5502 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Aligning statutory redistricting deadlines to the Constitution. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Smith; Mosbrucker; Hudgins; Dolan; Appleton; Goehner, Assistant Ranking Minority Member; Walsh, Ranking Minority Member; Pellicciotti, Vice Chair Gregerson, Chair.

Referred to Committee on Rules for second reading.

March 21, 2019

SSB 5627 Prime Sponsor, Committee on Labor & Commerce: Creating the healthy energy work group to develop the healthy energy workers board. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson; Hoff and Ormsby.

Referred to Committee on Rules for second reading.

March 20, 2019

SSB 5763 Prime Sponsor, Committee on Transportation: Concerning collector truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Van Werven; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Dufault; Eslick; Goehner; Slatter, 2nd Vice Chair; Gregerson; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Pellicciotti; Ramos; Riccelli; Shea; Shewmake; Irwin Fey, Chair.

Referred to Committee on Rules for second reading.

March 21, 2019

SB 5795 Prime Sponsor, Senator Zeiger: Increasing contractor bonding requirements. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby; Hoff; Gregerson; Chandler, Assistant Ranking Minority Member; Mosbrucker, Ranking Minority Member; Chapman, Vice Chair Sells, Chair.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1257 and the bill was placed on the second reading calendar.

There being no objection, the House adjourned until 9:55 a.m., March 26, 2019, the 72nd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk