

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## NINETY THIRD DAY

House Chamber, Olympia, Tuesday, April 16, 2019

The House was called to order at 9:00 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 Naomi Cummings and Kyuss Ropka. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Elizabeth Sorenson, Christian Life Missions & Washington Prayer Caucus, Washington.

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

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

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

## MESSAGES FROM THE SENATE

April 15, 2019

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1066,  
HOUSE BILL NO. 1070,  
ENGROSSED HOUSE BILL NO. 1126,  
SUBSTITUTE HOUSE BILL NO. 1531,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1557,  
SUBSTITUTE HOUSE BILL NO. 1607,  
HOUSE BILL NO. 1901,  
SUBSTITUTE HOUSE BILL NO. 1931,  
HOUSE BILL NO. 2119,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 15, 2019

MR. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1175,  
SECOND SUBSTITUTE HOUSE BILL NO. 1448,  
HOUSE BILL NO. 1449,  
HOUSE BILL NO. 1533,

HOUSE BILL NO. 1537,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1569,  
HOUSE BILL NO. 1753,  
SUBSTITUTE HOUSE BILL NO. 1865,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

## INTRODUCTION &amp; FIRST READING

HB 2169 by Representative Tarleton

AN ACT Relating to creating the revenue act of 2019.

Referred to Committee on Finance.

HJM 4013 by Representatives Lekanoff, Morris,  
Peterson, Doglio, Shewmake, Tharinger,  
Gregerson, Santos and Stanford

Concerning logging and mining in the upper Skagit  
watershed.

Referred to Committee on Rural Development,  
Agriculture, & Natural Resources.

There being no objection, the bill and memorial 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

**SENATE BILL NO. 5360, by Senators Conway,  
Hobbs, Saldaña, Dhingra, Keiser, Pedersen and Hunt**

**Addressing plan membership default provisions in  
the public employees' retirement system, the teachers'  
retirement system, and the school employees' retirement  
system.**

The bill was read the second time.

Representative Robinson moved the adoption of  
amendment (738):

On page 1, line 16, after "1," strike "2019" and insert "2020"

On page 1, line 18, after "1," strike "2019" and insert "2020"

On page 2, line 34, after "1," strike "2019" and insert "2020"

On page 2, line 36, after "1," strike "2019" and insert "2020"

On page 3, line 35, after "1," strike "2019" and insert "2020"

On page 3, line 36, after "July 1," strike "2019" and insert "2020"

On page 3, line 39, after "1," strike "2019" and insert "2020"

Representatives Robinson and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (738) was adopted.

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

Representatives Stanford and Volz spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

#### MOTIONS

On motion of Representative Rude, Representative Young was excused.

On motion of Representative Mead, Representatives Appleton and Entenman were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5360, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5360, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Representatives Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Irwin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Mead, Morgan, Morris, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie and Ybarra.

Voting nay: Representatives Barkis, Chambers, Chandler, Corry, Dent, Dufault, Gildon, Hoff, Hudgins,

Jenkin, Klippert, Kraft, Kretz, Maycumber, Mosbrucker, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh and Wilcox.

Excused: Representatives Appleton, Entenman and Young.

SENATE BILL NO. 5360, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5741, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Rivers, Frockt and Mullet)**

**Making changes to support future operations of the state all payer claims database by transferring the responsibility to the health care authority, partnering with a lead organization with broad data experience, including with self-insured employers, and other changes to improve and ensure successful and sustainable database operations for access to and use of the data to improve health care, providing consumers useful and consistent quality and cost measures, and assess total cost of care in Washington state.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 86, April 9, 2019).

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

Representatives Cody and Schmick 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 Engrossed Substitute Senate Bill No. 5741, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5741, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele,

Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Corry, Kraft, McCaslin, Shea and Walsh.

Excused: Representatives Appleton and Entenman.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5741, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5227, by Senators Kuderer, Hunt, Takko, Nguyen and Billig**

**Concerning deadlines for receipt of voter registrations by election officials.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

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

Representatives Walsh and Gregerson 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 Senate Bill No. 5227, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5227, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives McCaslin and Shea.

Excused: Representatives Appleton and Entenman.

SENATE BILL NO. 5227, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5278, by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Mullet, Wilson and L.)**

**Concerning reporting suspected fraud and theft of payment cards.**

The bill was read the second time.

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

Representatives Kirby and Vick 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 Substitute Senate Bill No. 5278.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5278, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Appleton and Entenman.

SUBSTITUTE SENATE BILL NO. 5278, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5284, by Senate Committee on Ways & Means (originally sponsored by Liias, Wagoner, Van De Wege and Hasegawa)**

**Concerning smoke detection devices.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Consumer Protection & Business was not adopted. (For Committee amendment, see Journal, Day 74, March 28, 2019).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2019).

Representative Stanford moved the adoption of amendment (679) to the committee striking amendment:

On page 16, line 6 of the striking amendment, after "alarms" insert "and smoke detection devices"

On page 16, line 7 of the striking amendment, after "separate" strike "fire alarm" and insert "rate"

On page 16, beginning on line 11 of the striking amendment, after "if" strike all material through "supported." on line 13 and insert ":

(a) No changes are made to the credits or discounts already in effect prior to the effective date of this section;

(b) It determines that there is no material anticipated change in losses due to the use of such equipment; or

(c) Any potential credit or discount is not actuarially supported."

On page 16, line 16 of the striking amendment, after "alarms" insert "and smoke detection devices"

On page 16, line 22 of the striking amendment, after "section" strike ", "dwelling" and insert ":

(a) "Dwelling"

On page 16, after line 24 of the striking amendment, insert the following:

"(b) "Smoke detection device" or "smoke detection devices" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.

(c) "Fire alarm" or "fire alarms" means any mechanical, electrical or radio-controlled device that is designed to emit a sound or transmit a signal or message when activated or any such device that emits a sound and transmits a signal or message when activated because of smoke, heat or fire."

Representatives Stanford and Vick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (679) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Eslick, Kirby and Sutherland 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 Engrossed Second Substitute Senate Bill No. 5284, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5284, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Appleton and Entenman.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5284, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, by Senate Committee on Labor & Commerce (originally sponsored by Rivers, Palumbo and Wagoner)**

**Reforming the compliance and enforcement provisions for marijuana licensees.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Commerce & Gaming was not adopted. (For Committee amendment, see Journal, Day 78, April 1, 2019).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2019).

Representative Stanford moved the adoption of amendment (695) to the committee striking amendment:

On page 2, line 35 of the striking amendment, after "(ii)" strike "Intentional furnishing" and insert "Furnishing"

On page 2, line 38 of the striking amendment, after "requirements;" strike "or"

On page 2, line 39 of the striking amendment, after "crimes" insert ";

(v) Knowingly making a misrepresentation of fact to the board, an officer of the board,

or an employee of the board related to conduct or an action that is, or is alleged to be, any of the violations identified in (c)(i) through (c)(iv) of this subsection (1)"

On page 6, line 36 of the striking amendment, after "(ii)" strike "Intentional furnishing" and insert "Furnishing"

On page 6, line 39 of the striking amendment, after "requirements;" strike "or"

On page 7, line 1 of the striking amendment, after "crimes;" insert "or"

(v) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or an action that is, or is alleged to be, any of the violations identified in (b)(i) through (b)(iv) of this subsection (2)"

On page 7, beginning on line 10 of the striking amendment, after "(e)" strike all material through "violation" on line 12 and insert "Must give substantial consideration to mitigating any penalty imposed on a licensee when there is employee misconduct that led to the violation and"

On page 7, line 26 of the striking amendment, after "(b)" strike "Intentional furnishing" and insert "Furnishing"

On page 7, line 29 of the striking amendment, after "requirements;" strike "or"

On page 7, line 30 of the striking amendment, after "crimes" insert "; or"

(e) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or an action that is, or is alleged to be, any of the violations identified in (a) through (d) of this subsection (3)"

Representatives Stanford and MacEwen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (695) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Kirby, MacEwen, Chambers, Vick and Stanford 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 Engrossed Substitute Senate Bill No. 5318, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5318, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp,

Cody, Corry, Davis, Dent, Doglio, Dolan, Dufault, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kirby, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Boehnke, DeBolt, Dye, Jenkin, Kilduff, Klippert, Leavitt and Smith.

Excused: Representatives Appleton and Entenman.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

**SUBSTITUTE SENATE BILL NO. 5370, by Senate Committee on Transportation (originally sponsored by Keiser, Warnick, Saldaña, Hasegawa, Wilson, C. and Honeyford)**

**Creating a state commercial aviation coordinating commission.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was not adopted. (For Committee amendment, see Journal, Day 86, April 9, 2019).

With the consent of the House, amendment (723) was withdrawn.

Representative Orwall moved the adoption of the striking amendment (690):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that with the increase in air traffic operations, combined with the projections for the rapid expansion of these operations in both the short and the long term, concerns regarding the environmental, health, social, and economic impacts of air traffic are increasing as well. The legislature also finds that advancing Washington's position as a national and international trading leader is dependent upon the development of a highly competitive, statewide passenger and cargo air transportation system. Therefore, the legislature seeks to identify a location for a new primary commercial aviation facility in Washington, taking into consideration the data and conclusions of appropriate air traffic studies, community representatives, and industry experts. Options for a new primary commercial aviation

facility in Washington may include expansion of an existing airport facility. It is the intent of the legislature to establish a state commercial aviation coordinating commission to provide a location recommendation by January 1, 2022.

**NEW SECTION. Sec. 2.** (1) The state commercial aviation coordinating commission is created to carry out the functions of this chapter. The commission shall consist of sixteen voting members.

(2) The governor shall appoint eleven voting members to represent the following interests:

(a) Four as representatives of commercial service airports and ports, one of whom shall represent a port located in a county with a population of two million or more, one of whom shall represent a port in eastern Washington with an airport runway of at least thirteen thousand five hundred feet in length, one of whom shall represent a commercial service airport in eastern Washington located in a county with a population of four hundred thousand or more, and one representing an association of ports;

(b) Three as representatives from the airline industry and the private sector;

(c) A representative from an eastern Washington metropolitan planning organization;

(d) A representative from a western Washington metropolitan planning organization; and

(e) Two citizen representatives with one appointed from eastern Washington and one appointed from western Washington. The citizen appointees must:

(i) Represent the public interests in the communities that are included in the commission's site research; and

(ii) Understand the impacts of a large commercial aviation facility on a community.

(3) The remaining five members shall consist of:

(a) A representative from the department of commerce;

(b) A representative from the division of aeronautics of the department of transportation;

(c) A representative from the freight forwarding industry;

(d) A representative from the trucking industry; and

(e) A representative from the federal aviation administration's flight standards district office in Washington.

(4) The commission shall invite the following nonvoting members:

(a) A representative from the federal aviation administration;

(b) A representative from the Washington state aviation alliance;

(c) A representative from the department of defense;

(d) Two members from the senate, with one member from each of the two largest caucuses in the senate, appointed by the president of the senate;

(e) Two members from the house of representatives, with one member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(f) A representative from a statewide environmental organization;

(g) A representative from an organization concerned with land and/or water use in the state;

(h) Congressional staff from the fourth and ninth congressional districts with expertise in aviation; and

(i) A representative from the division of aeronautics of the department of transportation.

(5) The governor may appoint additional nonvoting members as deemed appropriate. The commission shall allow additional nonvoting members at the request of the federal aviation administration.

(6) The commission shall select a chair from among its membership and shall adopt rules related to its powers and duties under this chapter.

(7) Legislative members of the commission are 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. The commission has all powers necessary to carry out its duties as prescribed by this chapter.

(8) The department of transportation shall provide staff support for coordinating and administering the commission and technical assistance as requested by commission members.

(9) At the direction of the commission, the department of transportation is authorized to hire a consultant to assist with the review and research efforts of the commission. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(10) The governor or the governor's designee shall convene the initial meeting of the commission as soon as practicable.

(11) This section expires July 1, 2022.

**NEW SECTION. Sec. 3.** (1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that location and its potential environmental, community, and economic impacts. Options

for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility. The work of the commission shall include the following:

(a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands; and

(b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:

(i) Initiating a broad review of potential sites;

(ii) Recommending a final short list of no more than six locations by January 1, 2021;

(iii) Identifying the top two locations from the final six locations by September 1, 2021; and

(iv) Identifying a single preferred location for a new primary commercial aviation facility by January 1, 2022.

(2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by January 1, 2022. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.

(3) This section expires July 1, 2022.

**NEW SECTION. Sec. 4.** (1) The state commercial aviation coordinating commission shall project a timeline for the development of an additional commercial aviation facility that is completed and functional by 2040.

(2) This section expires July 1, 2022.

**NEW SECTION. Sec. 5.** (1) Nothing in this act shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

(2) This section expires July 1, 2022."

Correct the title.

Representative Kilduff moved the adoption of amendment (734) to the striking amendment (690):

On page 3, line 35 of the striking amendment, after "facility" insert "but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements"

Representative Kilduff spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (734) to the striking amendment (690) was adopted.

The striking amendment (690), as amended, was adopted.

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

Representatives Orwall and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5370, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5370, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Appleton and Entenman.

SUBSTITUTE SENATE BILL NO. 5370, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5474, by Senate Committee on Labor & Commerce (originally sponsored by Keiser)**

**Concerning industrial insurance and self-insurers. Revised for 1st Substitute: Permitting self-insurers to send duplicates of certain orders made by the department of labor and industries.**

The bill was read the second time.

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

Representatives Sells and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5474.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5474, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Appleton and Entenman.

SUBSTITUTE SENATE BILL NO. 5474, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5502, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Zeiger and Hunt)**

**Aligning statutory redistricting deadlines to the Constitution.**

The bill was read the second time.

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

Representatives Walsh and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5502.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5502, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman,

Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Appleton and Entenman.

SUBSTITUTE SENATE BILL NO. 5502, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5287, by Senate Committee on Ways & Means (originally sponsored by Darneille and Hunt)**

**Ensuring accurate redistricting.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Relations was adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

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

Representatives Gregerson and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5287, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5287, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye,



Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Reeves, Schmick, Shea, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Appleton and Entenman.

SECOND SUBSTITUTE SENATE BILL NO. 5287, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5597, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Saldaña, McCoy, Conway and Hasegawa)**

**Creating a work group on aerial pesticide applications in forestlands. Revised for 1st Substitute: Creating a work group on aerial herbicide applications in forestlands.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Rural Development, Agriculture, & Natural Resources was not adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

Representative Blake moved the adoption of the striking amendment (659):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) The legislature finds that forest managers, state agencies, and the broader community share an interest in minimizing human and environmental exposure to herbicides. Forestland owners have made significant gains in the protection of riparian and wetland areas along the state's waterways, as well as protecting the health and safety of the public and forest workers, through a combination of scientific advancements, ongoing education and training, improved technologies, and proper monitoring and regulation under the forests and fish statute and the associated forest practices rules.

(b) The legislature further finds that while the use of herbicides is an important tool to the timber industry, the use of chemicals should be integrated within a broader pest management approach. The legislature finds that the research, development, and feasibility of nontraditional control methods, along with methods already in use, could result in a more integrated pest management approach for forest management.

(2) This section expires December 31, 2020.

**NEW SECTION. Sec. 2.** (1) A work group on the aerial application of herbicides on state and private forestlands is established to review all existing best management practices and, if necessary, develop

recommendations for improving the best management practices for aerial application of herbicides on state and private forestlands, including the criteria to be used in evaluating best management practices.

(2) The work group shall:

(a) Review the roles of all management and regulatory agencies in approving herbicides for use and application on forestlands in Washington and review existing state and federal programs, policies, and regulations concerning aerial application of herbicides on forestlands;

(b) Review current herbicide application technology in the state and throughout the nation to increase herbicide application accuracy and other best management practices to minimize drift and exposure of humans, fish, and wildlife as well impact on drinking water, surface waters, and wetland areas;

(c) Review research, reports, and data from government agencies, research institutions, nongovernmental organizations, and landowners regarding the most frequently used herbicides in forest practices, to inform the development and update of strategies related to herbicides management on forestlands; and

(d) Develop recommendations, if appropriate, for managing working forestlands through an integrated pest management approach that combines traditional chemical and other vegetative control methods as well as other silvicultural practices to protect resource values from pests, while minimizing the effect on nontarget species as well as ensuring the protection of public safety and human health, while still offering effective control that is economically feasible on a commercial forestry scale. Recommendations must consider the toxicity, mobility, and bioaccumulation of any proposed alternatives as compared to traditional operations.

(3)(a) The work group is composed of:

(i) One member and one alternate from each of the two largest caucuses in the senate, who must be appointed by the majority leader and minority leader of the senate;

(ii) One member and one alternate from each of the two largest caucuses in the house of representatives, who must be appointed by the speaker and minority leader of the house of representatives;

(iii) One senior level management representative from each of the following agencies:

(A) The department of agriculture;

(B) The department of health;

(C) The department of natural resources;

(D) The department of fish and wildlife; and

(E) The department of ecology;

(iv) One representative of Washington State University pesticide safety education program;

(v) One representative from the Pacific Northwest agricultural safety and health center at the University of Washington; and

(vi) Representatives from the following groups, appointed by the consensus of the cochairs:

(A) Two industrial forestland owners with one from the west of the crest of the Cascade mountains and one from east of the crest of the Cascade mountains;

(B) One representative of small forestland owners;

(C) One representative of large-scale organic farming;

(D) One representative of aerial applicators;

(E) Three representatives of environmental or community interests;

(F) One representative with expertise in noxious weed control; and

(G) One representative with pesticide registrant expertise in forest herbicides.

(b) Representatives of Washington tribes that are involved in timber production must be invited to participate on the work group.

(c) If a member has not been designated for a position set forth in this section, that position may not be counted for purposes of determining a quorum.

(4) The work group must be cochaired by one representative each from the department of agriculture and the department of natural resources.

(5) Staff support for the members of the work group must be provided by the departments of natural resources and agriculture.

(6) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the work group 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 nonlegislative members is subject to chapter 43.03 RCW.

(7) The work group shall provide a report that includes any findings, recommendations, and draft legislation, to the governor and the legislature consistent with RCW 43.01.036, by December 31, 2019.

(8) This section expires December 31, 2020."

Correct the title.

Representatives Blake and Dent spoke in favor of the adoption of the striking amendment.

The striking amendment (659) was adopted.

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

Representatives Blake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5597, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5597, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representative DeBolt.

Excused: Representatives Appleton and Entenman.

SUBSTITUTE SENATE BILL NO. 5597, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

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 the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5025  
ENGROSSED SENATE BILL NO. 5616

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

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

### MESSAGE FROM THE SENATE

April 15, 2019

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1318,  
HOUSE BILL NO. 1516,  
HOUSE BILL NO. 1726,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

### SECOND READING

**SENATE BILL NO. 5605, by Senators Nguyen, Keiser, Hunt, Salomon, Hasegawa, Saldaña, Das, Randall, Darneille, Kuderer, Pedersen, Wilson and C.**

**Concerning misdemeanor marijuana offense convictions.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was not adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2019).

Representative Klippert moved the adoption of amendment (625) to the committee striking amendment:

On page 4, line 29 of the striking amendment, after "court" strike "shall" and insert "may"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (625) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

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

Representatives Fitzgibbon and Goodman spoke in favor of the passage of the bill.

Representatives Klippert and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5605, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5605, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Jinkins, Kirby, Kloba, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie, Ybarra and Young.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Hoff, Irwin, Jenkin, Kilduff, Klippert, Kraft, Kretz, Leavitt, Maycumber, Mosbrucker, Orcutt, Schmick, Smith, Van Werven, Vick, Walsh and Wilcox.

SENATE BILL NO. 5605, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5492, by Senate Committee on Law & Justice (originally sponsored by Billig, Padden, Pedersen, Holy and Dhingra)**

**Sentencing of motor vehicle-related felonies.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was not adopted. (For Committee amendment, see Journal, Day 78, April 1, 2019).

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

Representatives Goodman, Klippert and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5492.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5492, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives DeBolt and Orcutt.

SUBSTITUTE SENATE BILL NO. 5492, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5763, by Senate Committee on Transportation (originally sponsored by Wagoner, Takko and Honeyford)**

**Concerning collector truck operators.**

The bill was read the second time.

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

Representatives Eslick, Fey and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5763.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5763, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton,

Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

SUBSTITUTE SENATE BILL NO. 5763, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5179, by Senators Liias, King, Takko and Rolfes**

**Concerning county electrical traffic control signals, illumination equipment, and other electrical equipment conveying an electrical current.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 82, April 5, 2019).

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5179, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5179, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

SENATE BILL NO. 5179, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5380, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Rivers, Frockt, Walsh, Keiser,**

**King, Randall, O'Ban, Conway, Darneille, Saldaña, Das, Dhingra, Hunt, Wilson, C. and Zeiger)**

**Concerning opioid use disorder treatment, prevention, and related services.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2019).

With the consent of the House, amendments (672) and (657) were withdrawn.

Representative Irwin moved the adoption of amendment (647) to the committee striking amendment:

On page 21, line 12 of the striking amendment, after "(c)" strike "Establish" and insert "Comply with federal prescription drug monitoring program qualification requirements under Section 1944 of the federal substance use-disorder prevention that promotes opioid recovery and treatment for patients and communities act of 2018 to facilitate eligibility for federal grants and establish"

Representatives Irwin and Cody spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (647) to the committee striking amendment was adopted.

Representative Cody moved the adoption of amendment (686) to the committee striking amendment:

Beginning on page 32, line 7, strike all of section 28 and insert the following:

"**Sec. 28.** RCW 71.24.585 and 2017 c 297 s 12 are each amended to read as follows:

~~((The state of Washington declares that there is no fundamental right to medication assisted treatment for opioid use disorder.)) (1)(a) The state of Washington ((further)) declares that ((while medications used in the treatment of opioid use disorder are addictive substances, that they nevertheless have several legal, important, and justified uses and that one of their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons with opioid use disorder. The state of Washington recognizes as evidence based for the management of opioid use disorder the medications approved by the federal food and drug administration for the treatment of opioid use disorder. Medication assisted~~

~~treatment should only be used for participants who are deemed appropriate to need this level of intervention. Providers must inform patients of all treatment options available. The provider and the patient shall consider alternative treatment options, like abstinence, when developing the treatment plan. If medications are prescribed, follow up must be included in the treatment plan in order to work towards the goal of abstinence.)) substance use disorders are medical conditions. Substance use disorders should be treated in a manner similar to other medical conditions by using interventions that are supported by evidence, including medications approved by the federal food and drug administration for the treatment of opioid use disorder. It is also recognized that many individuals have multiple substance use disorders, as well as histories of trauma, developmental disabilities, or mental health conditions. As such, all individuals experiencing opioid use disorder should be offered evidence-supported treatments to include federal food and drug administration approved medications for the treatment of opioid use disorders and behavioral counseling and social supports to address them. For behavioral health agencies, an effective plan of treatment for most persons with opioid use disorder integrates access to medications and psychosocial counseling and should be consistent with the American society of addiction medicine patient placement criteria. Providers must inform patients with opioid use disorder or substance use disorder of options to access federal food and drug administration approved medications for the treatment of opioid use disorder or substance use disorder. Because some such medications are controlled substances in chapter 69.50 RCW, the state of Washington maintains the legal obligation and right to regulate the ((clinical)) uses of these medications in the treatment of opioid use disorder.~~

~~((Further,)) (b) The authority must work with other state agencies and stakeholders to develop value-based payment strategies to better support the ongoing care of persons with opioid and other substance use disorders.~~

~~(c) The department of corrections shall develop policies to prioritize services based on available grant funding and funds appropriated specifically for opioid use disorder treatment.~~

~~(2) The authority must promote the use of medication therapies and other evidence-based strategies to address the opioid epidemic in Washington state. Additionally, by January 1, 2020, the authority must prioritize state resources for the provision of treatment and recovery support services to inpatient and outpatient treatment settings that allow patients to start or maintain their use of medications for opioid use disorder while engaging in services.~~

~~(3) The state declares that the main goals of ((opioid substitution treatment is total abstinence from substance use for the individuals who participate in the treatment program, but recognizes the additional goals of reduced morbidity, and restoration of the ability to lead a productive and fulfilling life. The state recognizes that a small percentage of persons who participate in opioid treatment programs require treatment for an extended period of time. Opioid treatment programs shall provide a comprehensive transition~~

program to eliminate substance use, including opioid use of program participants)) treatment for persons with opioid use disorder are the cessation of unprescribed opioid use, reduced morbidity, and restoration of the ability to lead a productive and fulfilling life.

(4) To achieve the goals in subsection (3) of this section, to promote public health and safety, and to promote the efficient and economic use of funding for the medicaid program under Title XIX of the social security act, the authority may seek, receive, and expend alternative sources of funding to support all aspects of the state's response to the opioid crisis.

(5) The authority must partner with the department of social and health services, the department of corrections, the department of health, the department of children, youth, and families, and any other agencies or entities the authority deems appropriate to develop a statewide approach to leveraging medicaid funding to treat opioid use disorder and provide emergency overdose treatment. Such alternative sources of funding may include:

(a) Seeking a section 1115 demonstration waiver from the federal centers for medicare and medicaid services to fund opioid treatment medications for persons eligible for medicaid at or during the time of incarceration and juvenile detention facilities; and

(b) Soliciting and receiving private funds, grants, and donations from any willing person or entity.

(6)(a) The authority shall work with the department of health to promote coordination between medication-assisted treatment prescribers, federally accredited opioid treatment programs, substance use disorder treatment facilities, and state-certified substance use disorder treatment agencies to:

(i) Increase patient choice in receiving medication and counseling;

(ii) Strengthen relationships between opioid use disorder providers;

(iii) Acknowledge and address the challenges presented for individuals needing treatment for multiple substance use disorders simultaneously; and

(iv) Study and review effective methods to identify and reach out to individuals with opioid use disorder who are at high risk of overdose and not involved in traditional systems of care, such as homeless individuals using syringe service programs, and connect such individuals to appropriate treatment.

(b) The authority must work with stakeholders to develop a set of recommendations to the governor and the legislature that:

(i) Propose, in addition to those required by federal law, a standard set of services needed to support the complex treatment needs of persons with opioid use disorder treated in opioid treatment programs;

(ii) Outline the components of and strategies needed to develop opioid treatment program centers of excellence

that provide fully integrated care for persons with opioid use disorder;

(iii) Estimate the costs needed to support these models and recommendations for funding strategies that must be included in the report;

(iv) Outline strategies to increase the number of waived health care providers approved for prescribing buprenorphine by the substance abuse and mental health services administration; and

(v) Outline strategies to lower the cost of federal food and drug administration approved products for the treatment of opioid use disorder.

(7) State agencies shall review and promote positive outcomes associated with the accountable communities of health funded opioid projects and local law enforcement and human services opioid collaborations as set forth in the Washington state interagency opioid working plan.

(8) The authority must partner with the department and other state agencies to replicate effective approaches for linking individuals who have had a nonfatal overdose with treatment opportunities, with a goal to connect certified peer counselors with individuals who have had a nonfatal overdose.

(9) State agencies must work together to increase outreach and education about opioid overdoses to non-English-speaking communities by developing a plan to conduct outreach and education to non-English-speaking communities. The department must submit a report on the outreach and education plan with recommendations for implementation to the appropriate legislative committees by July 1, 2020."

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (686) to the committee striking amendment was adopted.

Representative Chambers moved the adoption of amendment (676) to the committee striking amendment:

On page 38, after line 25 of the striking amendment, insert the following:

"(7) An opioid treatment program may not be sited within twenty miles of a supervised injection site."

Renumber the remaining subsections consecutively and correct and internal references accordingly

#### **POINT OF ORDER**

Representative Stonier requested a scope and object ruling on amendment (676) to the committee amendment to SSB 5380.

#### **SPEAKER'S RULING**

Mr. Speaker(Representative Lovick presiding): Substitute Senate Bill 5380 is titled "*an act relating to opioid use disorder treatment, prevention and related services.*"

The provisions in the bill relating to opioid use disorder treatment programs are limited to the services and medications they provide. The amendment relates to the locations where such programs may be sited, a topic not addressed in the underlying bill.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill.

The point of order is well taken.

Representative Gildon moved the adoption of amendment (707) to the committee striking amendment:

On page 39, after line 29 of the striking amendment, insert the following:

"(5) The authority may not promote the use of supervised injection sites as a form of treatment for opioid use disorder."

Representative Gildon spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cody spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (707) to the committee striking amendment and the amendment was adopted by the following vote: Yeas: 61 Nays: 37 Absent: 0 Excused: 0

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Gregerson, Griffey, Harris, Hoff, Irwin, Jenkin, Kilduff, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Paul, Pellicciotti, Ramos, Reeves, Riccelli, Rude, Schmick, Sells, Senn, Shea, Shewmake, Smith, Stanford, Steele, Stokesbary, Stonier, Sutherland, Thai, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Appleton, Bergquist, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Hansen, Hudgins, Jinkins, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Morris, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Robinson, Ryu, Santos, Slatter, Springer, Sullivan, Tarleton, Tharinger, Valdez, and Wylie

Amendment (707) to the committee striking amendment was adopted.

Representative Stokesbary moved the adoption of amendment (708) to the committee striking amendment:

On page 39, after line 29 of the striking amendment, insert the following:

"(5) The authority may not partner with any agency that supervises the injection of illicit drugs."

Representatives Stokesbary and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cody spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (708) to the committee striking amendment and the amendment was adopted by the following vote: Yeas: 60 Nays: 38 Absent: 0 Excused: 0

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Entenman, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Kilduff, Klippert, Kraft, Kretz, Leavitt, Lovick, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Paul, Pellicciotti, Ramos, Riccelli, Rude, Schmick, Sells, Senn, Shea, Shewmake, Smith, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tharinger, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Appleton, Bergquist, Chopp, Cody, Davis, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kirby, Kloba, Lekanoff, Macri, Morgan, Morris, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reeves, Robinson, Ryu, Santos, Slatter, Springer, Stanford, Tarleton, Thai, Valdez, Walen, and Wylie

Amendment (708) to the committee striking amendment was adopted.

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which amendment (707) to the committee striking amendment passed the House: Yeas: 60 Nays: 38 Absent: 0 Excused: 0

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Entenman, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Kilduff, Klippert, Kraft, Kretz, Leavitt, Lovick, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Paul, Pellicciotti, Ramos, Reeves, Riccelli, Rude, Schmick, Sells, Senn, Shea, Shewmake, Smith, Steele, Stokesbary, Sullivan, Sutherland, Tharinger, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Appleton, Bergquist, Chopp, Cody, Davis, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kirby, Kloba, Lekanoff, Macri, Morgan, Morris, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Robinson, Ryu, Santos, Slatter, Springer, Stanford, Stonier, Tarleton, Thai, Valdez, Walen, and Wylie

Amendment (707), on reconsideration, to the committee striking amendment, was adopted.

With the consent of the House, amendment (660) was withdrawn.

Representative Cody moved the adoption of amendment (687) to the committee striking amendment:

On page 41, after line 27, insert the following:

**"NEW SECTION. Sec. 36.** A new section is added to chapter 41.05 RCW to read as follows:

A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2020, shall provide coverage without prior authorization of at least one federal food and drug administration approved product for the treatment of opioid use disorder in the drug classes opioid agonists, opioid antagonists, and opioid partial agonists.

**NEW SECTION. Sec. 37.** A new section is added to chapter 48.43 RCW to read as follows:

For health plans issued or renewed on or after January 1, 2020, a health carrier shall provide coverage without prior authorization of at least one federal food and drug administration approved product for the treatment of opioid use disorder in the drug classes opioid agonists, opioid antagonists, and opioid partial agonists.

**NEW SECTION. Sec. 38.** A new section is added to chapter 74.09 RCW to read as follows:

Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization of at least one federal food and drug administration approved product for the treatment of opioid use disorder in the drug classes opioid agonists, opioid antagonists, and opioid partial agonists."

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

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (687) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Cody, Schmick, Harris, Barkis, Dent and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5380, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5380, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Frame and Macri.

SUBSTITUTE SENATE BILL NO. 5380, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5410, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Mullet, Rivers, Palumbo, Lias, Wilson and C.)**

**Establishing a systemwide credit policy regarding advanced placement, international baccalaureate, and Cambridge international exams. Revised for 1st Substitute: Concerning a systemwide credit policy regarding advanced placement, international baccalaureate, and Cambridge international exams.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 78, April 1, 2019).

Representative Pollet moved the adoption of amendment (503) to the committee striking amendment:



On page 1, line 11 of the striking amendment, after "E" insert "(e)"

On page 2, line 1 of the striking amendment, after "E" insert "(e)"

Representatives Pollet and Van Werven spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (503) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Dolan, Van Werven and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5410, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5410, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5410, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5298, by Senate Committee on Labor & Commerce (originally sponsored by Rivers, Palumbo and Wellman)**

#### Regarding labeling of marijuana products.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Commerce & Gaming was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 80, April 3, 2019).

Representative Davis moved the adoption of amendment (744) to the committee striking amendment:

On page 5, beginning on line 36 of the striking amendment, strike all of subsection (b)

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

On page 6, line 3 of the striking amendment, after "under (a)" strike "and (b)"

On page 6, line 15 of the striking amendment, after "use:" insert "or"

On page 6, line 16 of the striking amendment, after "(b) A" strike "claim" and insert "warning"

On page 6, line 17 of the striking amendment, after "that the" strike "claim" and insert "warning"

On page 6, beginning on line 17 of the striking amendment, after "misleading" strike all material through "ingredients" on line 19.

Representatives Davis and MacEwen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (744) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives MacEwen and Stanford spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5298, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5298, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kirby, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson,

Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Boehnke, Dent, Dufault, Dye, Jenkin, Kilduff, Klippert, Kraft, Leavitt and Van Werven.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5298, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5337, by Senators Takko and Holy**

**Expanding a sales and use tax exemption for personal property sold between political subdivisions to include sales or uses of personal property as a result of a merger or sales or uses of personal property made under contractual consolidations in which the taxpayer that originally paid the sales or use tax continues to benefit from the personal property.**

The bill was read the second time.

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

Representatives Orcutt and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5337.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5337, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

SENATE BILL NO. 5337, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, by Senate Committee on Law & Justice (originally sponsored by Darneille)**

**Sentencing for persistent offenders. Revised for 1st Substitute: Sentencing for persistent offenders. (REVISED FOR ENGROSSED: Removing robbery in the second degree from the list of offenses that qualify an individual as a persistent offender. )**

The bill was read the second time.

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

Representatives Goodman, Irwin, Jinkins, Graham, Davis and Pettigrew spoke in favor of the passage of the bill.

Representatives Klippert, Orcutt, Maycumber, Walsh and DeBolt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5288.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, Jinkins, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Griffey, Harris, Hoff, Irwin, Jenkin, Kilduff, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, having received the necessary constitutional majority, was declared passed.

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

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

**MOTIONS**

There being no objection, the Committee on Appropriations was relieved of the following bill and the bill was placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5874

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5511

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

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

#### MESSAGES FROM THE SENATE

April 16, 2019

MR. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1048,  
HOUSE BILL NO. 1092,  
HOUSE BILL NO. 1146,  
HOUSE BILL NO. 1149,  
SUBSTITUTE HOUSE BILL NO. 1295,  
SUBSTITUTE HOUSE BILL NO. 1350,  
ENGROSSED HOUSE BILL NO. 1354,  
HOUSE BILL NO. 1380,  
SUBSTITUTE HOUSE BILL NO. 1415,  
SUBSTITUTE HOUSE BILL NO. 1480,  
SUBSTITUTE HOUSE BILL NO. 1545,  
SUBSTITUTE HOUSE BILL NO. 1856,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 16, 2019

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE JOINT MEMORIAL NO.  
4007,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

#### SECOND READING

**SENATE BILL NO. 5551, by Senators Dhingra, Palumbo, Das, Kuderer, Wellman and Van De Wege**

**Concerning courthouse facility dog assistance for testifying witnesses.**

The bill was read the second time.

Representative Klippert moved the adoption of amendment (499):

On page 1, line 8, after "dog" strike "must" and insert "should"

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

Representative Thai spoke against the adoption of the amendment.

Amendment (499) was not adopted.

Representative Thai moved the adoption of amendment (688):

On page 2, line 39, after "by" strike "assistance dogs international or a comparable and internationally" and insert "a"

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

Division was demanded on the adoption of amendment (688) and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 59 - YEAS; 39 - NAYS.

Amendment (688) was adopted.

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

Representatives Thai and Irwin 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 Senate Bill No. 5551, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5551, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham,

Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Chandler and Jenkin.

SENATE BILL NO. 5551, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5418, by Senate Committee on Local Government (originally sponsored by Takko, Zeiger and Liias)**

**Concerning local government procurement modernization and efficiency.**

The bill was read the second time.

With the consent of the House, amendments (506), (587), (697) and (586) were withdrawn.

There being no objection, the committee striking amendment by the Committee on Local Government was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 80, April 3, 2019).

Representative Corry moved the adoption of amendment (745) to the committee striking amendment:

On page 1, beginning on line 9 of the striking amendment, after "~~thousand~~)" strike "one hundred sixteen thousand one hundred fifty-five" and insert "ninety thousand"

On page 1, at the beginning of line 12 of the striking amendment, strike "seventy-five thousand five hundred" and insert "sixty thousand"

On page 26, line 10 of the striking amendment, after "hundred" strike "fifty" and insert "ten"

On page 26, beginning on line 12 of the striking amendment, after "~~thousand~~)" strike "seventy-five thousand five hundred" and insert "sixty thousand"

Representative Corry and Corry (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (745) to the committee striking amendment was not adopted.

Representative Pollet moved the adoption of amendment (737) to the committee striking amendment:

Beginning on page 2, line 24, after "section" strike all material through "specifications" on page 3, line 3, and insert "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the city issues a written finding that the lowest bidder has delivered a project to the city within the last three years which was late, over budget, or did not meet specifications, and the city does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the city may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder"

On page 8, at the beginning of line 36, strike "~~(may)~~ must" and insert "may"

On page 9, line 33, strike "retainage" and insert "contract"

On page 11, line 11, after "Equitably" strike "distributes" and insert "distribute opportunities"

Beginning on page 31, line 15, strike all of section 16 and insert the following:

**"NEW SECTION. Sec. 16.** (1) The legislature finds that there are hundreds of local governments and special purpose districts and due to their existing authority and structure, partial legislative measures are introduced each year to amend the procurement thresholds for each individual entity. Therefore the legislature intends to require a comprehensive review of all local government bid limits for public works projects and purchases, including the small works roster and limited public works processes, rather than amend procurement rules and contract thresholds on a case-by-case basis.

(2) Subject to funds appropriated for this purpose, the capital projects advisory review board must review the public works contracting processes for local governments, including the small works roster and limited public works processes provided in RCW 39.04.155, and report to the governor and appropriate committees of the legislature by November 1, 2020. The report must include the following:

(a) Identification of the most common contracting procedures used by local governments;

(b) Identification of the dollar amounts set for local government public works contracting processes;

(c) Analysis of whether the dollar amounts identified in (b) of this subsection comport with estimated project costs within the relevant industries;

(d) An analysis of the potential application of an inflation-based increaser, taking regional factors into consideration, to the dollar amounts identified in (b) of this subsection, for example:

(i) Applying the implicit price deflator for state and local government purchases of goods and services for the United States as published by the bureau of economic analysis of the federal department of commerce; and

(ii) Adjusting the bid limit dollar thresholds for inflation, on a regional basis, by the building cost index during that time period;

(e) Recommendations to increase uniformity and efficiency for local government public works contracting and procurement processes;

(f) Rates of participation of all contractor types, including qualified minority and women-owned and controlled businesses, in the small works roster and limited public works contracting processes; and

(g) Barriers to improving the participation rate in the small works roster and limited public works contracting processes.

(3) For purposes of this section:

(a) "Local governments" refers to all counties, cities, towns, other political subdivisions, and special purpose districts.

(b) "Building cost index" means the building cost index for Seattle, Washington, compiled by engineering news record, a nationally recognized professional construction trade periodical. The building cost index uses average skilled construction labor rates, structural steel, concrete, and lumber as the basis of measurement."

Correct the title.

Representative Pollet and Pollet (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kraft spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded on the adoption of amendment (737) to the committee striking amendand the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 57 - YEAS; 40 - NAYS.

Amendment (737) to the committee striking amendment was adopted.

Representative Kraft moved the adoption of amendment (537) to the committee striking amendment:

On page 9, line 21 of the striking amendment, after "~~((telephone inquiry))~~" insert "at least one of the following: telephone or"

Representatives Kraft and Pollet spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (537) to the committee striking amendment was adopted.

Representative Kraft moved the adoption of amendment (753) to the committee striking amendment:

On page 29, beginning on line 33 of the striking amendment, strike all of section 15

Re-number the remaining section consecutively and correct any internal references accordingly.

Representative Kraft spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (753) to the committee striking amendment was not adopted.

Representative Kraft moved the adoption of amendment (735) to the committee striking amendment:

On page 32, after line 5 of the striking amendment, insert the following:

"NEW SECTION. Sec. 17. (1) When a local government performs a public works project with local government employees, rather than following the public works contracting process, no less than fifteen percent of the labor hours must be performed by apprentices.

(2) Local governments performing a public works project with local government employees must pay local government employees a prevailing wage, in the same manner the prevailing wage requirements apply to private sector contractors that would perform similar work under the public works contracting process in RCW 39.12.015.

(3) The public works written reports required under subsection (1) of this section must include the local government entities subject to the following statutes: RCW 28A.335.190, 28B.10.029, 28B.10.350, 28B.50.330, 35.21.225, 35.21.730, 35.22.620, 35.23.352, 35.57.020, 35.61.135, 35A.40.210, 36.100.030, 36.32.235, 36.32.240, 36.32.245, 36.32.250, 52.14.110, 53.08.120, 53.08.135, 54.04.070, 54.04.082, 57.08.050, 70.44.140, 71.24.300, 74.38.050, 87.03.435, 87.03.436, 87.03.437, and 89.30.154 and chapters 17.28, 27.12, 28A.310, 35.82, 36.57, 36.57A, 36.69, 36.73, 39.04, 39.34, 48.62, 70.46, 85.38, and 89.08 RCW.

(4) For purposes of this section, "local government" refers to all counties, cities, towns, other political subdivisions, and special purpose districts."

Correct the title.

Representative Kraft spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (735) to the committee striking amendment was not adopted.

Representative Kraft moved the adoption of amendment (739) to the committee striking amendment:

On page 32, after line 5 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 17.** (1) A local government must prepare a written record of the basis of the decision to perform the public works with local government employees rather than following the public works contracting process. The written record must include, at a minimum:

(a) A small business impact statement, as described in RCW 19.85.040; and

(b) A comprehensive impact assessment that includes, at a minimum:

(i) An estimate of the cost to complete the public works project, including the fully allocated costs of the public works project, the cost of the employees' salaries and benefits, space, equipment, materials, and overhead and other costs necessary to complete the public works project;

(ii) An estimate of the cost to contract out the public works project;

(iii) Reasons for proposing the public works project be completed with local government employees; and

(iv) Potential adverse impacts on the public from completing the work with local government employees and any cumulative impact the decision may have on future projects.

(2) The written report must be sent to the department of enterprise services, and the department of enterprise services must compile all submitted written reports received pursuant to this section and must annually make a report to the appropriate committees of the legislature.

(3) The public works written reports required under subsection (1) of this section must include the local government entities subject to the following statutes: RCW 28A.335.190, 28B.10.029, 28B.10.350, 28B.50.330, 35.21.225, 35.21.730, 35.22.620, 35.23.352, 35.57.020, 35.61.135, 35A.40.210, 36.100.030, 36.32.235, 36.32.240, 36.32.245, 36.32.250, 52.14.110, 53.08.120, 53.08.135, 54.04.070, 54.04.082, 57.08.050, 70.44.140, 71.24.300, 74.38.050, 87.03.435, 87.03.436, 87.03.437, and 89.30.154 and chapters 17.28, 27.12, 28A.310, 35.82, 36.57, 36.57A, 36.69, 36.73, 39.04, 39.34, 48.62, 70.46, 85.38, and 89.08 RCW.

(4) For purposes of this section, "local government" refers to all counties, cities, towns, other political subdivisions, and special purpose districts."

Correct the title.

Representative Kraft spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (739) to the committee striking amendment was not adopted.

Representative Vick moved the adoption of amendment (750) to the committee striking amendment:

On page 32, after line 5 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 17.** (1) When a local government performs a public works project using its own local government employees, rather than following the public

works contracting process, the local government must create a public record which includes the names of all local government employees that performed work associated with the public works project and must document that each local government employee used on the project has obtained any required certification or license to complete the type of work performed. This document must be made available upon request.

(2) The record required under subsection (1) of this section applies to the local government entities subject to the following statutes: RCW 35.22.620, 35.23.352, 36.32.235, 52.14.110, 54.04.070, 54.04.082, and 57.08.050, and chapter 39.04 RCW."

Representative Vick spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (750) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (751) to the committee striking amendment:

On page 32, after line 5 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 17.** (1) When a local government performs a public works project using its own local government employees, rather than following the public works contracting process, the local government is required to disclose all bidder communications, except confidential business communication and information, related to any offered bid or project prior to the determination that the work will be done with the local government's own employees.

(2) The record required under subsection (1) of this section applies to the local government entities subject to the following statutes: RCW 35.22.620, 35.23.352, 36.32.235, 52.14.110, 54.04.070, 54.04.082, and 57.08.050, and chapter 39.04 RCW."

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (751) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (752) to the committee striking amendment:

On page 32, after line 5 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 17.** Sections 1 through 16 of this act expire on March 31, 2021."

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (752) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Pollet, Goehner and Eslick spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5418, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5418, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wilcox and Wylie.

Voting nay: Representatives Barkis, Chambers, Chandler, Corry, Dent, Dufault, Gildon, Griffey, Hoff, Irwin, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Shea, Van Werven, Vick, Walsh, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5418, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5511, by Senate Committee on Ways & Means (originally sponsored by Wellman, Sheldon, Carlyle, Short, McCoy, Nguyen, Takko, Cleveland, Darneille, Dhingra, Liias, Mullet, Saldaña and Frockt)**

**Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Innovation, Technology & Economic Development was not adopted. (For Committee amendment, see Journal, Day 79, April 2, 2019).

There being no objection, the committee striking amendment by the Committee on Capital Budget was adopted. (For Committee amendment, see Journal, Day 86, April 9, 2019).

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

Representatives Tharinger, DeBolt and Dye 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 Second Substitute Senate Bill No. 5511, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5511, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representative Kraft.

SECOND SUBSTITUTE SENATE BILL NO. 5511, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5602, by Senate Committee on Ways & Means (originally sponsored by Randall, Wilson, C., Nguyen, Das, Saldaña, Cleveland, Takko, Kuderer, Hasegawa, Rolfes, Van De Wege, Keiser, Hunt, Wellman, Billig, Dhingra, Conway, Pedersen, Frockt, Salomon, Palumbo, Darneille, McCoy, Liias, Mullet and Carlyle)**

**Eliminating barriers to reproductive health care for all.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 86, April 9, 2019).

Representative Macri moved the adoption of striking amendment (658):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

(1) It is the public policy of this state to provide the maximum access to reproductive health care and reproductive health care coverage for all people in Washington state.

(2) In 2018, the legislature passed Substitute Senate Bill No. 6219. Along with reproductive health care coverage requirements, the bill mandated a literature review of barriers to reproductive health care. As documented by the report submitted to the legislature on January 1, 2019, young people, immigrants, people living in rural communities, transgender and gender nonconforming people, and people of color still face significant barriers to getting the reproductive health care they need.

(3) Washingtonians who are transgender and gender nonconforming have important reproductive health care needs as well. These needs go unmet when, in the process of seeking care, transgender and gender nonconforming people are stigmatized or are denied critical health services because of their gender identity or expression.

(4) The literature review mandated by Substitute Senate Bill No. 6219 found that, "[a]ccording to 2015 U.S. Transgender Survey data, thirty-two percent of transgender respondents in Washington State reported that in the previous year they did not see a doctor when needed because they could not afford it."

(5) Existing state law should be enhanced to ensure greater coverage of and timely access to reproductive health care for the benefit of all Washingtonians, regardless of gender identity or expression.

(6) Because stigma is also a key barrier to access to reproductive health care, all Washingtonians, regardless of gender identity, should be free from discrimination in the provision of health care services, health care plan coverage, and in access to publicly funded health coverage.

(7) All people should have access to robust reproductive health services to maintain and improve their reproductive health.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) In the provision of reproductive health care services through programs under this chapter, the authority, managed care plans, and providers that administer or deliver such

services may not discriminate in the delivery of a service provided through a program of the authority based on the covered person's gender identity or expression.

(2) The authority and any managed care plans delivering or administering services purchased or contracted for by the authority, may not issue automatic initial denials of coverage for reproductive health care services that are ordinarily or exclusively available to individuals of one gender, based on the fact that the individual's gender assigned at birth, gender identity, or gender otherwise recorded in one or more government-issued documents, is different from the one to which such health services are ordinarily or exclusively available.

(3) Denials as described in subsection (2) of this section are prohibited discrimination under chapter 49.60 RCW.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's gender assigned at birth.

(b) "Gender identity" means a person's internal sense of the person's own gender, regardless of the person's gender assigned at birth.

(c) "Reproductive health care services" means any medical services or treatments, including pharmaceutical and preventive care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services does not include infertility treatment.

(d) "Reproductive system" includes, but is not limited to: Genitals, gonads, the uterus, ovaries, fallopian tubes, and breasts.

(5) This section must not be construed to authorize discrimination on the basis of a covered person's gender identity or expression in the administration of any other medical assistance programs administered by the authority.

Sec. 3. RCW 48.43.072 and 2018 c 119 s 2 are each amended to read as follows:

(1) A health plan ((issued or renewed on or after January 1, 2019,)) or student health plan, including student health plans deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, shall provide coverage for:

(a) All contraceptive drugs, devices, and other products, approved by the federal food and drug administration, including over the counter contraceptive drugs, devices, and products, approved by the federal food and drug administration. This includes condoms, regardless of the gender or sexual orientation of the covered person, and regardless of whether they are to be used for contraception or exclusively for the prevention of sexually transmitted infections;

(b) Voluntary sterilization procedures;

(c) The consultations, examinations, procedures, and medical services that are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove the drugs, devices, and other products or services in (a) and (b) of this subsection(( ));

(d) The following preventive services:



(i) Screening for physical, mental, sexual, and reproductive health care needs that arise from a sexual assault; and

(ii) Well-person preventive visits;

(e) Medically necessary services and prescription medications for the treatment of physical, mental, sexual, and reproductive health care needs that arise from a sexual assault; and

(f) The following reproductive health-related over-the-counter drugs and products approved by the federal food and drug administration: Prenatal vitamins for pregnant persons; and breast pumps for covered persons expecting the birth or adoption of a child.

(2) The coverage required by subsection (1) of this section:

(a) May not require copayments, deductibles, or other forms of cost sharing((,)):

(i) Except for:

(A) The medically necessary services and prescription medications required by subsection (1)(e) of this section; and

(B) The drugs and products in subsection (1)(f) of this section; or

(ii) Unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier must establish the plan's cost sharing for the coverage required by subsection (1) of this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from ((his or her)) the enrollee's health savings account under internal revenue service laws and regulations; and

(b) May not require a prescription to trigger coverage of over the counter contraceptive drugs, devices, and products, approved by the federal food and drug administration, except those reproductive health related drugs and products as set forth in subsection (1)(f) of this section.

(3) A health carrier may not deny the coverage required in subsection (1) of this section because an enrollee changed ((his or her)) the enrollee's contraceptive method within a twelve-month period.

(4) Except as otherwise authorized under this section, a health benefit plan may not impose any restrictions or delays on the coverage required under this section, such as medical management techniques that limit enrollee choice in accessing the full range of contraceptive drugs, devices, or other products, approved by the federal food and drug administration.

(5) Benefits provided under this section must be extended to all enrollees, enrolled spouses, and enrolled dependents.

(6) This section may not be construed to allow for denial of care on the basis of race, color, national origin, sex, sexual orientation, gender expression or identity, marital status, age, citizenship, immigration status, or disability.

(7) A health plan or student health plan, including student health plans deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, issued or renewed on or after January 1, 2021, may not issue automatic initial denials of coverage for reproductive health care services that

are ordinarily or exclusively available to individuals of one gender, based on the fact that the individual's gender assigned at birth, gender identity, or gender otherwise recorded in one or more government-issued documents, is different from the one to which such health services are ordinarily or exclusively available.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's gender assigned at birth.

(b) "Gender identity" means a person's internal sense of the person's own gender, regardless of the person's gender assigned at birth.

(c) "Reproductive health care services" means any medical services or treatments, including pharmaceutical and preventive care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services does not include infertility treatment.

(d) "Reproductive system" includes, but is not limited to: Genitals, gonads, the uterus, ovaries, fallopian tubes, and breasts.

(e) "Well-person preventive visits" means the preventive annual visits recommended by the federal health resources and services administration women's preventive services guidelines, with the understanding that those visits must be covered for women, and when medically appropriate, for transgender, nonbinary, and intersex individuals.

(9) This section may not be construed to authorize discrimination on the basis of gender identity or expression, or perceived gender identity or expression, in the provision of nonreproductive health care services.

(10) The commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW shall share enforcement authority over complaints of discrimination under this section as set forth in RCW 49.60.178.

(11) The commissioner may adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 48.43 RCW to read as follows:

(1) The legislature intends to codify the state's current practice of requiring health carriers to bill enrollees with a single invoice and to segregate into a separate account the premium attributable to abortion services for which federal funding is prohibited. Washington has achieved full compliance with section 1303 of the federal patient protection and affordable care act by requiring health carriers to submit a single invoice to enrollees and to segregate into a separate account the premium amounts attributable to coverage of abortion services for which federal funding is prohibited. Further, section 1303 states that the act does not preempt or otherwise have any effect on state laws regarding the prohibition of, or requirement of, coverage, funding, or procedural requirements on abortions.

(2) In accordance with RCW 48.43.073 related to requirements for coverage and funding of abortion services, an issuer offering a qualified health plan must:

(a) Bill enrollees and collect payment through a single invoice that includes all benefits and services covered by the qualified health plan; and

(b) Include in the segregation plan required under applicable federal and state law a certification that the issuer's billing and payment processes meet the requirements of this section.

NEW SECTION. Sec. 5. 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.

NEW SECTION. Sec. 6. This act may be known and cited as the reproductive health care access for all act.

NEW SECTION. Sec. 7. (1) Section 2 of this act takes effect January 1, 2020.

(2) Section 3 of this act takes effect January 1, 2021.

NEW SECTION. Sec. 8. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Macri and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (658) was adopted.

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

Representative Macri spoke in favor of the passage of the bill.

Representative Schmick 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 Senate Bill No. 5602, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5602, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick,

Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5602, as amended by the House, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute Senate Bill No. 5602.

Representative Schmick, 9th District

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Substitute Senate Bill No. 5602.

Representative Chambers, 25th District

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5397, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Carlyle, Darneille, Saldaña, Hasegawa, Hunt and Kuderer)**

**Concerning the responsible management of plastic packaging.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was not adopted. (For Committee amendment, see Journal, Day 74, March 28, 2019).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2019).

Representative Dye moved the adoption of amendment (755) to the committee striking amendment:

On page 1, at the beginning of line 18 of the striking amendment, strike "one hundred percent" and insert "sustainable and realistic amounts"

On page 3, line 30 of the striking amendment, after "Achieve" strike "one hundred percent" and insert "sustainable and realistic policies for"

On page 3, line 31 of the striking amendment, after "packaging in" strike "all"

Representative Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Amendment (755) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

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

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5397, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5397, and the bill passed the House by the following vote: Yeas, 75; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wylie, Ybarra and Young.

Voting nay: Representatives Barkis, Boehnke, Chandler, Corry, DeBolt, Dufault, Dye, Eslick, Griffey, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, McCaslin, Schmick, Shea, Stokesbary, Sutherland, Vick, Walsh and Wilcox.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5397, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### MESSAGES FROM THE SENATE

April 16, 2019

MR. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1166,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.

1440,

SUBSTITUTE HOUSE BILL NO. 1469,

SUBSTITUTE HOUSE BILL NO. 1485,

HOUSE BILL NO. 1490,

SUBSTITUTE HOUSE BILL NO. 1512,  
SUBSTITUTE HOUSE BILL NO. 1532,  
HOUSE BILL NO. 1534,  
HOUSE BILL NO. 1554,  
ENGROSSED HOUSE BILL NO. 1563,  
HOUSE BILL NO. 1568,  
ENGROSSED HOUSE BILL NO. 1584,  
SUBSTITUTE HOUSE BILL NO. 1594,  
SUBSTITUTE HOUSE BILL NO. 1605,  
SUBSTITUTE HOUSE BILL NO. 1621,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1643,  
HOUSE BILL NO. 1647,  
HOUSE BILL NO. 1657,  
HOUSE BILL NO. 1673,  
HOUSE BILL NO. 1688,  
SECOND SUBSTITUTE HOUSE BILL NO. 1713,  
SUBSTITUTE HOUSE BILL NO. 1742,  
ENGROSSED HOUSE BILL NO. 1801,  
ENGROSSED HOUSE BILL NO. 1846,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1849,  
HOUSE BILL NO. 1866,  
HOUSE BILL NO. 1908,  
HOUSE BILL NO. 1913,  
SUBSTITUTE HOUSE BILL NO. 1930,  
HOUSE BILL NO. 1934,  
HOUSE BILL NO. 1980,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1994,  
SUBSTITUTE HOUSE BILL NO. 2044,  
HOUSE BILL NO. 2058,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 16, 2019

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5003,  
SENATE BILL NO. 5119,  
SUBSTITUTE SENATE BILL NO. 5163,  
SENATE BILL NO. 5310,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5311,  
SUBSTITUTE SENATE BILL NO. 5638,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5851, by Senate Committee on Ways & Means (originally sponsored by Frockt, Saldaña, Wellman, Wilson and C.)**

**Enhancing educational opportunities for vulnerable children and youth using funding distributed from the Puget Sound taxpayer accountability account.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 80, April 3, 2019).

Amendments (595), (573) and (590) were ruled out of order.

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

Representatives Reeves and Stokesbary spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Griffey, Representative MacEwen was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5851.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5851 and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellucciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives McCaslin, Orcutt and Shea.  
Excused: Representative MacEwen.

SUBSTITUTE SENATE BILL NO. 5851, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., April 17, 2019, the 94th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk