

**THIRTY EIGHTH DAY****MORNING SESSION**

Senate Chamber, Olympia  
Wednesday, February 19, 2020

The Senate was called to order at 9:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Miss Clara Blakeslee and Miss Chloe Lee, presented the Colors. Page Mr. Alexander Olson led the Senate in the Pledge of Allegiance. The prayer was offered by Minister Malando Redeemer of Shiloh Baptist Church, Tacoma.

**MOTION**

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

**MOTION**

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

**EDITOR'S NOTE:** Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

**MOTION TO LIMIT DEBATE**

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

**REMARKS BY THE PRESIDENT**

President Habib: "By the way, I should also mention for the information of members, just to remind you that what I try to do in every case is ask you to conclude your remarks, when I do that, that is at the 15 second mark. So, basically it means you have one more sentence. It doesn't mean you have to stop speaking immediately, but it does mean that I am giving you a heads up and I do the best I can relying on all the hard-working folks up here who are doing many things all at once. So, that's for your information."

**MOTION**

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

**INTRODUCTION AND FIRST READING**

2SHB 1182 by House Committee on Appropriations (originally sponsored by Santos, Steele, Dolan, Ortiz-Self and Slatter)

AN ACT Relating to modifying the learning assistance program to balance local control and state accountability by making the allowable uses of program funds more flexible

and requiring that the expenditure of funds be consistent with the Washington integrated student supports protocol; amending RCW 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.035, 28A.165.100, 28A.165.065, 28A.300.139, 28A.320.190, and 28A.710.280; adding a new section to chapter 28A.630 RCW; creating new sections; providing an effective date; and providing expiration dates.

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

2SHB 1191 by House Committee on Education (originally sponsored by Goodman and Frame)

AN ACT Relating to school notifications; amending RCW 28A.320.128, 9A.44.138, 13.04.155, 13.40.215, 28A.225.330, and 72.09.730; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 28A.710 RCW; and adding a new section to chapter 42.56 RCW.

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

2SHB 1645 by House Committee on Human Services & Early Learning (originally sponsored by Ortiz-Self, Frame, Gregerson, Valdez, Jinkins, Davis, Santos and Morgan)

AN ACT Relating to certificates of parental improvement; amending RCW 74.13.700, 74.13.020, 43.43.832, 74.39A.056, 43.20A.710, and 43.216.010; reenacting and amending RCW 43.216.270; adding new sections to chapter 74.13 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

2SHB 1651 by House Committee on Human Services & Early Learning (originally sponsored by Kilduff, Dent, Lovick, Eslick, Senn, Leavitt, Macri, Callan, Cody, Tarleton, Ortiz-Self, Goodman, Jinkins, Frame, Bergquist and Santos)

AN ACT Relating to the rights of clients of the developmental disabilities administration of the department of social and health services; and adding a new chapter to Title 71A RCW.

Referred to Committee on Health & Long Term Care.

HB 2110 by Representatives Ryu and Santos

AN ACT Relating to modifying the definition of affordable workforce housing for the purposes of permitted lodging tax revenue expenditures; and amending RCW 67.28.180.

Referred to Committee on Housing Stability & Affordability.

HB 2259 by Representatives Rude, Leavitt and Thai

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

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

**SHB 2308** by House Committee on Appropriations (originally sponsored by Slatter, Tharinger, Wylie and Appleton)

AN ACT Relating to requiring employers to periodically report standard occupational classifications or job titles of workers; amending RCW 50.12.070 and 50.12.220; creating new sections; and providing an effective date.

Referred to Committee on Labor & Commerce.

**SHB 2338** by House Committee on Health Care & Wellness (originally sponsored by Macri, Thai, Wylie, Doglio, Cody and Pollet)

AN ACT Relating to prohibiting discrimination in health care coverage; and amending RCW 41.05.600, 48.20.580, 48.21.241, 48.41.220, 48.44.341, 48.46.291, 70.47.200, 48.30.300, and 48.43.0128.

Referred to Committee on Health & Long Term Care.

**SHB 2359** by House Committee on Commerce & Gaming (originally sponsored by Vick and Wylie)

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

Referred to Committee on Labor & Commerce.

**SHB 2384** by House Committee on Finance (originally sponsored by Doglio, Ramel, Tarleton, Macri, Kloba and Gregerson)

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

Referred to Committee on Housing Stability & Affordability.

**HB 2390** by Representatives Kilduff, Goodman, Klippert, Leavitt, Thai, Dufault, Macri, Senn and Hudgins

AN ACT Relating to using respectful language regarding individuals with developmental disabilities; amending RCW 7.68.020, 18.59.040, 20.01.330, 26.33.350, 26.40.010, 26.40.020, 26.40.030, 26.44.015, 27.04.045, 28B.07.010, 35.58.240, 35.68.075, 35.86A.010, 35.86A.070, 35.92.060, 35.95A.050, 36.57.040, 36.57A.090, 39.23.005, 41.05.095, 43.20A.635, 43.24.090, 43.31.512, 43.63A.670, 43.216.720, 43.220.070, 46.72.010, 47.04.170, 48.20.420, 48.21.150, 48.30.300, 48.30.320, 48.41.140, 48.44.200, 48.44.210, 48.44.220, 48.46.320, 48.46.370, 49.12.110, 49.74.005, 50.12.210, 51.08.030, 57.08.014, 70.82.010, 70.82.030, 70.84.010, 70.84.080, 71A.10.040, 71A.12.010, 71A.12.020, 72.05.010, 72.05.130, 72.60.235, 72.64.150, 72.70.010, 74.04.515, 74.12.290, 74.13.310, 74.13A.085, 74.18.045, 74.26.010, 79.105.210, 82.80.030, and 84.36.350; and reenacting and amending RCW 43.180.070, 66.24.425, 71.34.020, 74.13.031, 74.13A.020, and 82.04.385.

Referred to Committee on Human Services, Reentry & Rehabilitation.

**HB 2396** by Representatives Hudgins, Tarleton and Wylie

AN ACT Relating to the regulation of bot communication on public-facing internet web sites; adding a new section to chapter 42.17A RCW; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

**2SHB 2457** by House Committee on Appropriations (originally sponsored by Cody, Kloba, Robinson, Schmick, Tharinger, Macri, Pollet and Wylie)

AN ACT Relating to the establishment of a board for the evaluation and containment of health care expenditures; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

**HB 2458** by Representatives Stonier, Sells, Dolan, Schmick, Boehnke, Bergquist, Vick, Pollet and Wylie

AN ACT Relating to optional benefits offered by school districts; amending RCW 28A.400.280; and creating a new section.

Referred to Committee on Ways & Means.

**SHB 2464** by House Committee on Health Care & Wellness (originally sponsored by Gildon and Young)

AN ACT Relating to protecting patients from excess charges for prescription medications; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

**SHB 2498** by House Committee on Appropriations (originally sponsored by Corry, Blake, Walsh, Mosbrucker, Chandler, Hoff, Dye, Graham, Davis, Dent, Dufault, Van Werven, Maycumber, Rude, Ybarra, Lekanoff, Eslick and Leavitt)

AN ACT Relating to providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default; and amending RCW 79.13.420.

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

**2SHB 2513** by House Committee on Appropriations (originally sponsored by Slatter, Leavitt, Ortiz-Self, Valdez, Bergquist, Davis, J. Johnson, Pollet, Goodman, Lekanoff, Ormsby and Riccelli)

AN ACT Relating to prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices; amending RCW 28B.10.293; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

**SHB 2554** by House Committee on Health Care & Wellness (originally sponsored by Stonier, Cody, Macri, Riccelli, Robinson, Tharinger, Senn, Peterson, Valdez, Davis, Doglio, Dolan, Fitzgibbon, Walen, Frame, Ramel,

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Pollet, Ryu, Goodman, Lekanoff, Ormsby and Chapman)

AN ACT Relating to mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW.

Referred to Committee on Health & Long Term Care.

SHB 2567 by House Committee on Civil Rights & Judiciary (originally sponsored by Thai, Santos, Ryu, Valdez, Pollet, Davis, Wylie, Gregerson, Slatter, Lekanoff, Ortiz-Self, Frame, Mead and Kloba)

AN ACT Relating to the courts open to all act; adding new sections to chapter 2.28 RCW; adding a new section to chapter 3.02 RCW; adding a new section to chapter 35.20 RCW; and creating new sections.

Referred to Committee on Law & Justice.

SHB 2634 by House Committee on Finance (originally sponsored by Walen, Barkis, Stokesbary, Macri, Chapman, Gildon, Chopp, Robinson, Senn, Leavitt and Tharinger)

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Housing Stability & Affordability.

SHB 2673 by House Committee on Environment & Energy (originally sponsored by Barkis, Griffey, Gildon, Steele, Ybarra, Smith, Chambers, Boehnke, Hoff, Vick, Eslick, Volz, Graham, Jenkin, Klippert, Van Werven, Tharinger and Dufault)

AN ACT Relating to exemptions for infill development under the state environmental policy act; and amending RCW 43.21C.229.

Referred to Committee on Housing Stability & Affordability.

HB 2710 by Representatives Robinson, Tarleton, Cody, Tharinger and Ormsby

AN ACT Relating to modifying the uses, disclosure, and requirement dates of prescription drug price transparency data; and amending RCW 43.71C.020, 43.71C.030, 43.71C.040, 43.71C.050, 43.71C.060, 43.71C.070, 43.71C.080, and 43.71C.100.

Referred to Committee on Health & Long Term Care.

HB 2739 by Representatives Kloba, Stonier, Appleton, Davis and Duerr

AN ACT Relating to adjusting certain requirements of the shared leave program; and amending RCW 41.04.665.

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

SHB 2789 by House Committee on Public Safety (originally sponsored by Lovick, Klippert, Davis, Orwall, Valdez, Kilduff, J. Johnson, Ryu, Peterson, Ramel, Pollet, Young and Frame)

AN ACT Relating to collecting information regarding police use of deadly force; and adding new sections to chapter 36.28A RCW.

Referred to Committee on Law & Justice.

2SHB 2793 by House Committee on Appropriations (originally sponsored by Hansen and Irwin)

AN ACT Relating to vacating criminal records; reenacting and amending RCW 9.96.060; adding a new chapter to Title 10 RCW; and creating a new section.

Referred to Committee on Law & Justice.

MOTION

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

MOTION

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

MOTION

Senator Hasegawa moved adoption of the following resolution:

SENATE RESOLUTION

8678

By Senators Hasegawa, Hobbs, Brown, Billig, Darneille, Muzzall, Nguyen, Wagoner, Conway, and Wilson, L.

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars,

more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to acknowledge the seventy-eighth anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Senators Hasegawa, King, Hobbs, Zeiger, Liias, Brown and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

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

#### REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Hasegawa, Senator Hobbs and others for bringing this resolution forward. I want to amplify two things: One is, Senator Hasegawa mentioned that there will be a an opportunity to meet some of the veterans who were discussed as Senator Hobbs so eloquently described over in the other chamber tomorrow and as you all know, those who served in the House know, the good representative from the 37<sup>th</sup> District over there has been really critical in reminding us of these issues every year. So, I do want to encourage those who, if it fits within your schedule to get a chance to meet those men who served this country, their country, even when others didn't believe it was their country. And then, also amplify Senator Liias reading

from the Korematsu decision and I would just urge for, assuming we are not here this weekend, which I don't think we will be and you are looking for a few minutes, if you have a few minutes to read, I would strongly encourage reading that decision, particularly the dissent."

#### MOTION

At 9:32 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

---

#### AFTERNOON SESSION

---

The Senate was called to order at 11:17 a.m. by President Habib.

#### MOTION

Pursuant to Rule 18, on motion of Senator Liias, Senate Bill No. 5400, PERS/TRS 1 benefit increase, was named a special order to be considered at 4:55 p.m.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Cleveland moved that Roy D. Jennings, Gubernatorial Appointment No. 9306, be confirmed as a member of the Transportation Commission.

Senators Cleveland and King spoke in favor of passage of the motion.

#### APPOINTMENT OF ROY D. JENNINGS

#### MOTION

On motion of Senator Rivers, Senator Fortunato was excused.

The President declared the question before the Senate to be the confirmation of Roy D. Jennings, Gubernatorial Appointment No. 9306, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Roy D. Jennings, Gubernatorial Appointment No. 9306, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Excused: Senator Fortunato

Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

Roy D. Jennings, Gubernatorial Appointment No. 9306, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 6117, by Senators Wellman, Dhingra, Hunt, Kuderer, Pedersen, Saldaña, Wilson and C.

Concerning appropriations for special education programs. Revised for 2nd Substitute: Concerning special education.

MOTION

On motion of Senator Wellman, Second Substitute Senate Bill No. 6117 was substituted for Senate Bill No. 6117 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1142 by Senator Short be adopted:

On page 2, line 19, after "If" insert "a school district has one thousand or more enrolled students, and"

Senator Short spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1142 by Senator Short on page 2, line 19 to Second Substitute Senate Bill No. 6117.

The motion by Senator Short did not carry and floor amendment no. 1142 was not adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute Senate Bill No. 6117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Braun and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6117.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6117 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko,

SECOND SUBSTITUTE SENATE BILL NO. 6117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6189, by Senators Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, Wilson and C.

Clarifying eligibility for school employees' benefits board coverage. Revised for 1st Substitute: Concerning eligibility for school employees' benefits board coverage.

MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 6189 was substituted for Senate Bill No. 6189 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following striking floor amendment no. 1095 by Senators Mullet and Wellman be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The joint legislative audit and review committee shall conduct a study to identify the number and types of part-time school district employees and their eligibility for benefits through the school employees' benefits board. The office of the superintendent of public instruction and the health care authority shall assist in providing any data requested by the joint legislative audit and review committee to conduct the study. The study will seek to identify:

(a) The categories and number of employees who worked full-time and less than full-time during the 2018-19 and 2019-20 school years, including ranges of hours worked, how many of those employees were eligible for employer support for benefits each year, and the amount of employer support provided for benefits. The study must summarize the data by major job category, such as substitute teacher, educational staff associate, paraprofessional, bus driver, principal, vice principal, and any other major job categories identified during the review;

(b) The number of certificated and classified employees eligible for school employees' benefits board benefits beginning January 1, 2020, and the number who waived medical coverage by district;

(c) The number of certificated and classified school employee benefit units, including estimated benefit units attributable to pupil transportation and special education, funded in the state budget for school employees' benefits board benefits by district.

(2) The joint legislative audit and review committee shall submit the review to the appropriate committees of the legislature by September 1, 2021. The review shall include recommendations for continued and regular data collection that should be incorporated into the superintendent of public instruction's and the health care authority's regular data and reporting systems.

(3) This section expires January 1, 2022.

NEW SECTION. Sec. 2. (1) The health care authority shall

conduct an analysis of the impacts of changes to the requirement that school employers remit premiums for employees that waive medical coverage under RCW 41.05.050(4)(d). The analysis shall consider the estimated impacts to the projected future funding rates and the estimated amount billed to each school district based on the following:

(a) A variable rate for employees waiving medical coverage and that are covered under dental, vision, long-term life and disability, and any other benefits not waived;

(b) A policy allowing members to waive coverage for some or all of the employer paid benefits;

(c) Any other options considered by the authority or as recommended by the school employees' benefits board.

(2) The analysis is due to the relevant fiscal committees of the legislature by September 1, 2021.

(3) This section expires June 30, 2022.

**Sec. 3.** RCW 28A.300.615 and 2016 c 233 s 8 are each amended to read as follows:

(1) By October 1st of each year, a school district must report to the office of the superintendent of public instruction:

(a) The number of substitute teachers hired per school year;

(b) The number of hours worked by each substitute teacher (~~(s hired under RCW 28A.410.252 per school year)~~);

(c) The number of substitute teachers that received benefits under the school employees' benefits board;

(d) The full daily compensation rate per substitute teacher; and

~~((d))~~ (e) The reason for hiring the substitute teacher.

(2) By January 1st of each year, the office of the superintendent of public instruction must post on its web site the information identified in subsection (1) of this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

Beginning with the 2022 plan year, individuals are limited to a single enrollment in medical, dental, and vision plans among school employees' benefits board and public employees' benefits board plans. However, individuals may be enrolled in both public employees' benefits board and school employees' benefits board plans as long as those enrollments are across different types of plans, such as medical, dental, and vision. The school employees' benefits board and the public employees' benefits board shall adopt policies to reflect this single enrollment requirement."

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "amending RCW 28A.300.615; adding a new section to chapter 41.05 RCW; creating new sections; and providing expiration dates."

#### MOTION

Senator Padden moved that the following floor amendment no. 1100 by Senator Padden be adopted:

On page 3, after line 6, insert the following:

"**Sec. 5.** RCW 41.05.740 and 2018 c 260 s 1 are each amended to read as follows:

(1) The school employees' benefits board is created within the authority. The function of the school employees' benefits board is to design and approve insurance benefit plans for school employees and to establish eligibility criteria for participation in insurance benefit plans.

(2) By September 30, 2017, the governor shall appoint the following voting members to the school employees' benefits board as follows:

(a) Two members from associations representing certificated employees;

(b) Two members from associations representing classified employees;

(c) Four members with expertise in employee health benefits policy and administration, one of which is nominated by an association representing school business officials; and

(d) The director of the authority or his or her designee.

(3) Initial members of the school employees' benefits board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(4) Compensation and reimbursement related to school employees' benefits board member service are as follows:

(a) Members of the school employees' benefits board must be compensated in accordance with RCW 43.03.250 and must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060.

(b) While school employees' benefits board members are carrying out their powers and duties under this chapter (~~(41.05 RCW)~~), if the service of any certificated or classified employee results in a need for a school employees' benefits board organization to employ a substitute for such certificated or classified employee during such service, payment for such a substitute may be made by the authority from funds appropriated by the legislature for the school employees' benefits board program. If such substitute is paid by the authority, no deduction shall be made from the salary of the certificated or classified employee. In no event shall a school employees' benefits board organization deduct from the salary of a certificated or classified employee serving on the school employees' benefits board more than the amount paid the substitute employed by the school employees' benefits board organization.

(5) The director of the authority or his or her designee shall be the chair and another member shall be selected by the school employees' benefits board as vice chair. The chair shall conduct meetings of the school employees' benefits board. The vice chair shall preside over meetings in the absence of the chair. The school employees' benefits board shall develop bylaws for the conduct of its business.

(6) The school employees' benefits board shall:

(a) Study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment, and disability insurance, or any of, or combination of, the enumerated types of insurance for eligible school employees and their dependents on the best basis possible with relation both to the welfare of the school employees and the state. However, liability insurance should not be made available to dependents;

(b) Develop school employee benefit plans that include comprehensive, evidence-based health care benefits for school employees. In developing these plans, the school employees' benefits board shall consider the following elements:

(i) Methods of maximizing cost containment while ensuring access to quality health care;

(ii) Development of provider arrangements that encourage cost containment and ensure access to quality care including, but not limited to, prepaid delivery systems and prospective payment methods;

(iii) Wellness, preventive care, chronic disease management, and other incentives that focus on proven strategies;

(iv) Utilization review procedures to support cost-effective benefits delivery;

(v) Ways to leverage efficient purchasing by coordinating with the public employees' benefits board;

(vi) Effective coordination of benefits; and

(vii) Minimum standards for insuring entities;

(c) Authorize premium contributions for a school employee and the employee's dependents in a manner that encourages the use of cost-efficient health care systems. For participating school employees, the required school employee share of the cost for

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

family coverage premiums may not exceed three times the premiums for a school employee purchasing single coverage for the same coverage plan;

(d) Determine the terms and conditions of school employee and dependent eligibility criteria, enrollment policies, and scope of coverage. At a minimum, the eligibility criteria established by the school employees' benefits board shall address the following:

(i) The effective date of coverage following hire;

(ii) The benefits eligibility criteria, but the school employees' benefits board's criteria shall be no more restrictive than requiring that a school employee be anticipated to work at least six hundred thirty hours per school year to be benefits eligible, except that, beginning September 1, 2020, an employee in a job sharing position who is anticipated to work at least six hundred thirty hours is benefits eligible and must receive a prorated portion of the full-time employer contribution that is consistent with the district's job sharing plan under RCW 28A.405.070; and

(iii) Coverage for dependents, including criteria for legal spouses; children up to age twenty-six; children of any age with disabilities, mental illness, or intellectual or other developmental disabilities; and state registered domestic partners, as defined in RCW 26.60.020, and others authorized by the legislature;

(e) Establish terms and conditions for a school employees' benefits board organization to have the ability to locally negotiate eligibility criteria for a school employee who is anticipated to work less than six hundred thirty hours in a school year. A school employees' benefits board organization that elects to use a lower threshold of hours for benefits eligibility must use benefits authorized by the school employees' benefits board and shall do so as an enrichment to the state's definition of basic education;

(f) Establish penalties to be imposed when a school employees' benefits board organization fails to comply with established participation criteria; and

(g) Participate with the authority in the preparation of specifications and selection of carriers contracted for school employee benefit plan coverage of eligible school employees in accordance with the criteria set forth in rules. To the extent possible, the school employees' benefits board shall leverage efficient purchasing by coordinating with the public employees' benefits board.

(7) School employees shall choose participation in one of the health care benefit plans developed by the school employees' benefits board. Individual school employees eligible for benefits under subsection (6)(d) of this section may be permitted to waive coverage under terms and conditions established by the school employees' benefits board.

(8) By November 30, 2021, the authority shall review the benefit plans provided through the school employees' benefits board, complete an analysis of the benefits provided and the administration of the benefits plans, and determine whether provisions in chapter 13, Laws of 2017 3rd sp. sess. have resulted in cost savings to the state. The authority shall submit a report to the relevant legislative policy and fiscal committees summarizing the results of the review and analysis."

On page 3, line 8, after "28A.300.615" insert "and 41.05.740"

Senators Padden and Becker spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1100 by Senator Padden on page 3, after line 6 to striking floor amendment no. 1095.

The motion by Senator Padden did not carry and floor amendment no. 1100 was not adopted by voice vote.

## MOTION

Senator Becker moved that the following floor amendment no. 1136 by Senator Becker be adopted:

On page 3, after line 6, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

Substitute teachers and other employees who work an intermittent unspecified workweek are not eligible for benefits through the school employees' benefits board."

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

Correct the technical portion of the title.

Senator Becker spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1136 by Senator Becker on page 3, after line 6 to striking floor amendment no. 1095.

The motion by Senator Becker did not carry and floor amendment no. 1136 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1095 by Senators Mullet and Wellman to Substitute Senate Bill No. 6189.

The motion by Senator Mullet carried and striking floor amendment no. 1095 was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 6189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senators Schoesler and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6189.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Rivers

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6382, by Senators Ericksen and Takko

Concerning state-inspected commercial custom meat facilities. Revised for 2nd Substitute: Creating the meat and poultry processing and marketing assistance program.

## MOTIONS

On motion of Senator Ericksen, Second Substitute Senate Bill No. 6382 was substituted for Senate Bill No. 6382 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Second Substitute Senate Bill No. 6382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6382.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6382 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6049, by Senators Liias, Das, Keiser, Kuderer, Rolfes, Van De Wege, Wilson and C.

Creating the insurance commissioner's fraud account.

The measure was read the second time.

## MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6049.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill

No. 6049 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5829, by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler, Hunt, Walsh, Warnick, Takko and Van De Wege)

Concerning pension benefits and contributions in the volunteer firefighters' and reserve officers' relief and pension system.

The bill was read on Third Reading.

## MOTION

On motion of Senator Mullet, the rules were suspended and Substitute Senate Bill No. 5829 was returned to second reading for the purpose of amendment.

## MOTION

Senator Mullet moved that the following striking floor amendment no. 1146 by Senators Mullet and Wagoner be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.24.030 and 2005 c 37 s 2 are each amended to read as follows:

(1) The volunteer firefighters' and reserve officers' relief and pension principal fund is created in the state treasury as a trust fund for the benefit of the participants covered by this chapter consisting of:

(a) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(b) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording relief provided in this chapter for firefighters as follows:

(i) (~~Thirty~~) Fifty dollars for each volunteer or part-paid member of its fire department;

(ii) A sum equal to one and one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(c) An annual fee for each emergency worker of an emergency medical service district paid by the district that is sufficient to pay the full costs of covering the emergency worker under the relief provisions of this chapter, including operating expenses. The state



THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

board shall determine the amount of this fee based on the latest actuarial valuation of the system.

(d) Where a municipal corporation has elected to make relief provisions of this chapter available to its reserve officers, an annual fee for each reserve officer paid by the municipal corporation that is sufficient to pay the full costs of covering the reserve officer under the relief provisions of this chapter, including operating expenses. The state board shall determine the amount of this fee based on the latest actuarial valuation of the system.

(e) Where a municipal corporation has elected to make the retirement pension provisions of this chapter available to members of its fire department, an annual fee of ~~((sixty))~~ ninety dollars for each of its firefighters electing to enroll, ~~((thirty))~~ forty-five dollars of which shall be paid by the municipality and ~~((thirty))~~ forty-five dollars of which shall be paid by the firefighter. However, nothing in this section prohibits any municipality from voluntarily paying the firefighters' fee for this retirement pension coverage.

(f) Where an emergency medical service district has elected to make the retirement pension provisions of this chapter available to its emergency workers, for each emergency worker electing to enroll: (i) An annual fee of ~~((thirty))~~ forty-five dollars shall be paid by the emergency worker; and (ii) an annual fee paid by the emergency medical service district that, together with the ~~((thirty))~~ forty-five dollar fee per emergency worker, is sufficient to pay the full costs of covering the emergency worker under the retirement pension benefits provided under this chapter, including operating expenses. The state board shall determine the amount of this fee based on the latest actuarial valuation of the system. However, nothing in this section prohibits any emergency medical service district from voluntarily paying the emergency workers' fees for this retirement pension coverage.

(g) Where a municipal corporation has elected to make the retirement pension provisions of this chapter available to its reserve officers, for each reserve officer electing to enroll: (i) An annual fee of ~~((thirty))~~ forty-five dollars shall be paid by the reserve officer; and (ii) an annual fee paid by the municipal corporation that, together with the ~~((thirty))~~ forty-five dollar fee per reserve officer, is sufficient to pay the full costs of covering the reserve officer under the retirement pension benefits provided under this chapter, including operating expenses. The state board shall determine the amount of this fee based on the latest actuarial valuation of the system. However, nothing in this section prohibits any municipal corporation from voluntarily paying the reserve officers' fees for this retirement pension coverage.

(h) Moneys transferred from the administrative fund, as provided under subsection (4) of this section, which may only be used to pay relief and retirement pensions for firefighters.

(i) Earnings from the investment of moneys in the principal fund.

(2) The state investment board, upon request of the state treasurer shall have full power to invest, reinvest, manage, contract, sell, or exchange investments acquired from that portion of the amounts credited to the principal fund as is not, in the judgment of the state board, required to meet current withdrawals. Investments shall be made in the manner prescribed by RCW 43.84.150 and not otherwise.

All bonds, investments, or other obligations purchased by the state investment board shall be placed in the custody of the state treasurer, and he or she shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds, investments, or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

(3) The interest, earnings, and proceeds from the sale and redemption of any investments held by the principal fund and invested by the state investment board shall be credited to and form a part of the principal fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160.

Subject to restrictions contained in this chapter, all amounts credited to the principal fund shall be available for making the benefit payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

(4) The volunteer firefighters' and reserve officers' administrative fund is created in the state treasury. Moneys in the fund, including unanticipated revenues under RCW 43.79.270, may be spent only after appropriation, and may be used only for operating expenses of the volunteer firefighters' and reserve officers' relief and pension principal fund, the operating expenses of the volunteer firefighters' and reserve officers' administrative fund, or for transfer from the administrative fund to the principal fund.

(a) Forty percent of all moneys received by the state from taxes on fire insurance premiums shall be paid into the state treasury and credited to the administrative fund.

(b) The state board shall compute a percentage of the amounts credited to the administrative fund to be paid into the principal fund.

(c) For the purpose of providing amounts to be used to defray the cost of administration of the principal and administrative funds, the state board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the administrative fund sufficient to cover estimated expenses for the biennium.

**Sec. 2.** RCW 41.24.170 and 2003 c 62 s 1 are each amended to read as follows:

(1) Except as provided in RCW 41.24.410, whenever any participant has been a member and served honorably for a period of ten years or more as an active member in any capacity, of any regularly organized fire department or law enforcement agency of any municipality in this state, and which municipality has adopted appropriate legislation allowing its firefighters or reserve officers to enroll in the retirement pension provisions of this chapter, and the participant has enrolled under the retirement pension provisions and has reached the age of sixty-five years, the board of trustees shall order and direct that he or she be retired and be paid a monthly pension from the principal fund as provided in this section.

(2)(a) Whenever a participant has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department or law enforcement agency of any municipality in this state, and he or she has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he or she be retired and such participant be paid a monthly pension of three hundred fifty dollars from the fund for the balance of that participant's life.

(b) Beginning the date that the state board receives a determination from the federal internal revenue service that this subsection (2)(b) does not exceed limits on deferred compensation from volunteer plans, but no sooner than July 1, 2022, whenever a participant is eligible for a benefit under (a) of this subsection, the board of trustees shall order and direct that he or she be retired and such participant be paid the monthly pension under (a) of this subsection plus ten dollars per month for each year that the retirement fee was paid beyond twenty-five years, from the fund for the balance of that participant's life.

(3) Whenever any participant has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department or law enforcement agency of any municipality in this state, and the participant has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he or she be retired and that such participant shall receive a minimum monthly pension of ~~((fifty))~~ one hundred dollars increased by the sum of ten dollars each month for each year the annual fee has been paid, but not to exceed ~~((the maximum monthly pension provided in this section))~~ three hundred fifty dollars, for the balance of the participant's life.

(4) No pension provided in this section may become payable before the sixty-fifth birthday of the participant, nor for any service less than twenty-five years: PROVIDED, HOWEVER, That:

~~((4))~~ (a) Any participant, who is older than fifty-nine years of age, less than sixty-five years of age, and has completed twenty-five years or more of service may irrevocably elect a reduced monthly pension in lieu of the pension that participant would be entitled to under this section at age sixty-five. The participant who elects this option shall receive the reduced pension for the balance of his or her life. The reduced monthly pension is calculated as a percentage of the pension the participant would be entitled to at age sixty-five. The percentage used in the calculation is based upon the age of the participant at the time of retirement as follows:

Age 60	Sixty percent
Age 61	Sixty-eight percent
Age 62	Seventy-six percent
Age 63	Eighty-four percent
Age 64	Ninety-two percent

~~((2))~~ (b) If a participant is age sixty-five or older but has less than twenty-five years of service, the participant is entitled to a reduced benefit. The reduced benefit shall be computed as follows:

~~((a))~~ (i) Upon completion of ten years, but less than fifteen years of service, a monthly pension equal to twenty percent of such pension as the participant would have been entitled to receive at age sixty-five after twenty-five years of service;

~~((b))~~ (ii) Upon completion of fifteen years, but less than twenty years of service, a monthly pension equal to thirty-five percent of such pension as the participant would have been entitled to receive at age sixty-five after twenty-five years of service; and

~~((c))~~ (iii) Upon completion of twenty years, but less than twenty-five years of service, a monthly pension equal to seventy-five percent of such pension as the participant would have been entitled to receive at age sixty-five after twenty-five years of service.

~~((3))~~ (c) If a participant with less than twenty-five years of service elects to retire after turning age sixty but before turning age sixty-five, the participant's retirement allowance is subject:

~~((a))~~ (i) First to the reduction under (b) of this subsection ~~((2) of this section))~~ based upon the participant's years of service; and ~~((b))~~ (ii) Second to the reduction under (a) of this subsection ~~((1) of this section))~~ based upon the participant's age.

**NEW SECTION. Sec. 3.** (1) Section 1 of this act takes effect January 1, 2021.

(2) Section 2 of this act takes effect July 1, 2020."

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.24.030 and 41.24.170; and providing effective dates."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1146 by Senators

Mullet and Wagoner to Substitute Senate Bill No. 5829.

The motion by Senator Mullet carried and striking floor amendment no. 1146 was adopted by voice vote.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 5829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5829.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5829 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6419, by Senators Keiser, Braun, Rolfes, Randall, Rivers, Dhingra, Darneille, Wilson, C., Saldaña and Salomon

Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients.

#### MOTION

On motion of Senator Keiser, Engrossed Substitute Senate Bill No. 6419 was substituted for Senate Bill No. 6419 and the substitute bill was placed on the second reading and read the second time.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Randall and without objection, floor amendment no. 1159 by Senators Randall and Braun on page 2, line 31 to Substitute Senate Bill No. 6419 was withdrawn.

#### MOTION

Senator Randall moved that the following floor amendment no.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020  
 1161 by Senators Randall and Braun be adopted:

On page 2, line 31, after "discretion", insert ". The task force must make funds available to reimburse travel expenses for stakeholders who are not participating on behalf of an employer, governmental agency, or other organization and allow for telephonic or other means of remote participation"

Senators Randall and Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1161 by Senators Randall and Braun on page 2, line 31 to Substitute Senate Bill No. 6419.

The motion by Senator Randall carried and floor amendment no. 1161 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Braun and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6419 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6236, by Senators Kuderer, Pedersen, Lovelett, Wellman and Hasegawa

Concerning certain noneconomic damage waivers.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 6236 was advanced to third reading, the second

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

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6236.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford, Schoesler and Short

Excused: Senator Fortunato

SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8212, by Senators Braun, Conway, Mullet, Schoesler and Palumbo

Proposing an amendment to the Constitution concerning the investment of funds to provide for long-term care services and supports.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 950 by Senators Braun and Mullet be adopted:

On page 1, beginning on line 13, after "disabilities" strike all material through "insurance," on line 14

Senators Braun and Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 950 by Senators Braun and Mullet on page 1, line 13 to Senate Joint Resolution No. 8212.

The motion by Senator Braun carried and floor amendment no. 950 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Joint Resolution No. 8212 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Braun and Mullet spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8212.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8212 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hasegawa and Padden

Excused: Senator Fortunato

ENGROSSED SENATE JOINT RESOLUTION NO. 8212, having received the two-thirds majority, was declared passed. There being no objection, the title of the resolution was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6212, by Senators Das, Keiser, Lovelett, Zeiger, Dhingra, Saldaña, Nguyen, Kuderer, Warnick, Randall, Darneille, Van De Wege, Conway, Wilson and C.

Concerning the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households.

The measure was read the second time.

## MOTION

On motion of Senator Das, the rules were suspended, Senate Bill No. 6212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6212.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6212 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hasegawa, Honeyford, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson, L.

Excused: Senator Fortunato

SENATE BILL NO. 6212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6058, by Senators Randall, Saldaña, Wilson, C., Hunt, Kuderer, Nguyen and Van De Wege

Concerning fire district health clinic services.

## MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 6058 was substituted for Senate Bill No. 6058 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 6058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6058.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6354, by Senators King, Cleveland, Keiser and Honeyford

Providing enhanced payment to low volume, small rural hospitals.

The measure was read the second time.

## MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Cleveland, Carlyle and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6354.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6354 and the bill passed the Senate by the following vote:

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6164, by Senators Dhingra, Wilson, C., McCoy, Das, Darneille, Kuderer and Randall

Concerning prosecutorial discretion to seek resentencing.

The measure was read the second time.

## MOTION

On motion of Senator Dhingra, the rules were suspended, Senate Bill No. 6164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6164.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6164 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Keiser assumed the chair.

## SECOND READING

SENATE BILL NO. 5607, by Senators Wellman, Das, Kuderer, Nguyen, Randall, Hunt, Carlyle, Darneille, Cleveland, Keiser, Takko, Saldaña, Liias, Van De Wege, Hasegawa, Wilson and C.

Concerning dual language learning in early learning and K-12 education.

## MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5607 was substituted for Senate Bill No. 5607 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Second Substitute Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5607.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5984, by Senators Wellman, Rivers, Hasegawa, Padden, Cleveland, Walsh, Hunt, Brown, Zeiger, Randall, Takko, Lovelett, Nguyen, Kuderer, Das, Wilson and C.

Concerning language understanding of documents used in dissolution proceedings.

## MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Wellman moved that the following striking floor amendment no. 1134 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 26.09 RCW to read as follows:

In any matter brought pursuant to domestic relations proceedings under this chapter, when a limited English proficiency party requests interpretation services, or when a court has reason to know that the party may require an interpreter has limited English proficiency or is deaf, deaf-blind, or hard of hearing and relies on sign language to communicate, any orders being presented to the court for signature on behalf of that party, or by agreement of the parties, must include a certification from an interpreter that the order has been interpreted to the party in the relevant language. The interpreter appointed for this purpose for a person with limited English proficiency must be an interpreter certified or registered by the administrative office of the courts pursuant to Chapter 2.43 RCW or a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter must be qualified by the judicial officer pursuant to chapter 2.43 RCW. In the event the party who is deaf, deaf-blind, or hard of hearing relies on any form of manual communication, the interpreter appointed for this purpose must be an interpreter appointed pursuant to Chapter 2.42 RCW. When requested, and upon reasonable advance notice, an interpreter must be provided for limited English proficiency litigants by the court at no cost to the party for this purpose.

**NEW SECTION. Sec. 2.** The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the general fund to the administrative office of the courts interpreter reimbursement program for the purposes of this act.

#### MOTION

Senator Rolfes moved that the following floor amendment no. 1162 by Senator Rolfes be adopted:

On page 2, beginning on line 4, strike all of section 2  
 On page 2, after line 8, insert the following:  
 On page 1, line 2 of the title, after "proceedings;" insert "and" and beginning on line 2, after "RCW" strike all material through "appropriation" on line 3"

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

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 1162 by Senator Rolfes on page 2, line 4 to striking floor amendment no. 1134.

The motion by Senator Rolfes carried and floor amendment no. 1162 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of striking floor amendment no. 1134 by Senator Wellman as amended to Substitute Senate Bill No. 5984.

The motion by Senator Wellman carried and striking floor amendment no. 1134 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill

No. 5984.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6319, by Senators Takko, Short, Dhingra, Lovelett, Wilson and C.

Concerning administration of the senior property tax exemption program.

#### MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6319 was substituted for Senate Bill No. 6319 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6319.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6319 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

SENATE BILL NO. 6592, by Senators Holy, Hunt, Takko and Keiser

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

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

Concerning tourism authorities.

MOTION

On motion of Senator Holy, Substitute Senate Bill No. 6592 was substituted for Senate Bill No. 6592 and the substitute bill was placed on the second reading and read the second time.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6592.

ROLL CALL

MOTION

Senator Short moved that the following floor amendment no. 1108 by Senator Short be adopted:

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6592 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

On page 2, beginning on line 22, strike all of section 2 and insert the following:

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

"NEW SECTION. Sec. 2. A new section is added to chapter 35.101 RCW to read as follows:

Voting nay: Senators Braun, Ericksen, Honeyford, Padden and Salomon

(1) In addition to the two dollar charge authorized by RCW 35.101.050, a legislative authority may impose an additional charge of up to three dollars per night of stay on the furnishing of lodging by a lodging business located in the area.

Excused: Senator Fortunato

(2) This section expires July 1, 2027."

On page 3, line 13, after "RCW 35.101.050" insert "or section 2 of this act"

ENGROSSED SUBSTITUTE SENATE BILL NO. 6592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On page 3, line 20, after "authorized in" strike "RCW 35.101.050(4)" and insert "section 2 of this act"

On page 3, after line 20, insert the following:

Lieutenant Governor Habib assumed the chair.

"NEW SECTION. Sec. 4. A new section is added to chapter 35.101 RCW to read as follows:

SECOND READING

Each tourism promotion area must conduct a program review of the additional tourism promotion area charge established in section 2 of this act. The review must be completed and submitted to the appropriate committees of the legislature by January 1, 2026. The review must:

SENATE BILL NO. 6064, by Senators Wagoner, Dhingra and Sheldon

(1) Analyze how tourism promotion area charge funds were used during the period when the additional charge was imposed;

Requiring full body scanners at each department of corrections institution. Revised for 2nd Substitute: Concerning full body scanners and dry cell watches at state correctional institutions.

(2) Identify additional marketing and promotional measures conducted or purchased with additional funds beyond the current two dollar charge;

MOTIONS

(3) Assess whether additional tourism promotion area charges above two dollars contributed to an actual increase in the number of tourists, as defined in RCW 35.101.010; and

On motion of Senator Wagoner, Second Substitute Senate Bill No. 6064 was substituted for Senate Bill No. 6064 and the substitute bill was placed on the second reading and read the second time.

(4) Assess the average additional cost per visit per tourist due to additional tourism promotion area charges above two dollars."

On motion of Senator Wagoner, the rules were suspended, Second Substitute Senate Bill No. 6064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On page 1, beginning on line 1 of the title, after "authorities;" strike all material through "35.101.130" on line 2 and insert "amending RCW 35.101.010 and 35.101.130; adding new sections to chapter 35.101 RCW; and providing an expiration date"

Senators Wagoner, Darneille and Walsh spoke in favor of passage of the bill.

Senators Short, Holy and Takko spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6064.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 1108 by Senator Short on page 2, line 22 to Substitute Senate Bill No. 6592.

ROLL CALL

The motion by Senator Short carried and floor amendment no. 1108 was adopted by voice vote.

MOTION

On motion of Senator Holy, the rules were suspended, Engrossed Substitute Senate Bill No. 6592 was advanced to third

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6064 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser,

King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6280, by Senators Nguyen, Carlyle, Wellman, Salomon, Lovelett, Das, Randall, Pedersen, Wilson, C. and Hunt

Concerning the use of facial recognition services.

#### MOTION

On motion of Senator Nguyen, Substitute Senate Bill No. 6280 was substituted for Senate Bill No. 6280 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Nguyen moved that the following striking floor amendment no. 1155 by Senator Nguyen be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services in a variety of beneficial ways, such as locating missing or incapacitated persons, identifying victims of crime, and keeping the public safe.

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

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a

subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(7) "Ongoing surveillance" means tracking the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(8) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(9) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(10) "Serious criminal offense" means any offense defined under RCW 9.94A.030 (26), (33), (42), (43), (47), or (56).

(11) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 3.** (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must produce an accountability report for that service. The report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted accountability report on its public web site.

(2) Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses;



THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

(ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 8 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing and implementing the accountability report, the agency must consider issues raised by the public through:

(a) A public review and comment period; and

(b) Community consultation meetings during the public review period.

(4) The accountability report must be updated every two years and each update must be subject to the public comment and community consultation processes described in this section.

(5) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(6) The accountability report required for the facial recognition matching system authorized in RCW 46.20.037 is due July 1, 2021.

**NEW SECTION. Sec. 4.** (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) The extent of their use of such services;

(b) An assessment of compliance with the terms of their accountability report;

(c) Any known or reasonably suspected violations of their accountability report, including categories of complaints alleging violations; and

(d) Any revisions to the accountability report recommended by the agency during the next update of the policy.

(2) The annual report must be submitted to the office of privacy and data protection.

(3) All agencies must hold community meetings to review and discuss their annual report within sixty days of its public release.

**NEW SECTION. Sec. 5.** State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water.

**NEW SECTION. Sec. 6.** Prior to deploying a facial recognition service in the context in which it will be used, state and local government agencies using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effect on individuals must test the facial recognition service in operational conditions. State and local government agencies must take reasonable steps to ensure best quality results by following all reasonable guidance provided by the developer of the facial recognition service.

**NEW SECTION. Sec. 7.** (1) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. However, making such an application

programming interface or other technical capability available does not require the disclosure of proprietary data, trade secrets, intellectual property, or other information, or if doing so would increase the risk of cyberattacks including, without limitation, cyberattacks related to unique methods of conducting business, data unique to the product or services, or determining prices or rates to be charged for services. Such subpopulations are defined by visually detectable characteristics such as: (a) Race, skin tone, ethnicity, gender, age, or disability status; or (b) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, and the methodology, data, and results are disclosed in a manner that allows full reproduction directly to the provider who, acting reasonably, determines that the methodology and results of that testing are valid, then the provider must develop and implement a plan to mitigate the identified performance differences.

(2) This section does not apply to the facial recognition matching system authorized in RCW 46.20.037 under contract as of the effective date of this section. Upon renewal or extension of the contract as of the effective date of this section, or upon entering into a new contract for facial recognition services, the department of licensing must ensure that the facial recognition service provider of the system authorized in RCW 46.20.037 fulfills the requirements of this section.

**NEW SECTION. Sec. 8.** State and local government agencies using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

**NEW SECTION. Sec. 9.** (1) State and local government agencies must disclose their use of a facial recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the service that are sufficient to facilitate public reporting and auditing of compliance with agencies' facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for ongoing surveillance, or an extension thereof, as described in section 12(1) of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of ongoing surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

**NEW SECTION. Sec. 10.** This chapter does not apply to a state or local government agency that is mandated to use a specific

facial recognition service pursuant to a federal regulation or order.

**NEW SECTION. Sec. 11.** (1)(a) A legislative task force on facial recognition services is established, with members as provided in this subsection.

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

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

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force 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.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(7) This section expires May 1, 2022.

**NEW SECTION. Sec. 12.** A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

recognition service to engage in ongoing surveillance unless the use is in support of law enforcement activities and there is probable cause to believe that an individual has committed, is engaged in, or is about to commit, a felony or there is a need by law enforcement to invoke their community care-taking function, and either:

(a) A court order has been obtained to permit the use of the facial recognition service for ongoing surveillance; or

(b) Where the agency reasonably determines that an exigent circumstance exists, and an appropriate court order is obtained as soon as reasonably practicable. In the absence of an authorizing order, such use must immediately terminate at the earliest of the following:

(i) The information sought is obtained;

(ii) The application for the order is denied; or

(iii) When forty-eight hours have lapsed since the beginning of the emergency surveillance for the purpose of ongoing surveillance.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools. The prohibition in this subsection does not prohibit state and local government agencies from applying a facial recognition service to an individual who happens to possess one or more of these characteristics where an officer of that agency holds a reasonable suspicion that that individual has committed, is engaged in, or is about to commit a felony or there is need to invoke their community care-taking function.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution, unless:

(a) Such use is specifically authorized by applicable law and is pertinent to and within the scope of an authorized law enforcement activity; and

(b) There is reasonable suspicion to believe the individual has committed, is engaged in, or is about to commit a felony or there is need to invoke their community care-taking function.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) A facial recognition service match alone does not constitute reasonable suspicion.

**NEW SECTION. Sec. 13.** Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 9.73 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1155 by Senator Nguyen to Substitute Senate Bill No. 6280.

The motion by Senator Nguyen carried and striking floor amendment no. 1155 was adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended,

Engrossed Substitute Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, King and Carlyle spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldafia, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hasegawa, Holy, Honeyford, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6617, by Senators Liias and Das

Concerning accessory dwelling unit regulation.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 6617 was substituted for Senate Bill No. 6617 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following floor amendment no. 1167 by Senator Liias be adopted:

On page 3, beginning on line 33, after "(3)" strike all material through "64.37.010" on line 38 and insert "May remove any requirement that the owner of a lot on which there is an accessory dwelling unit reside in or occupy the accessory dwelling unit or another housing unit on the same lot"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1167 by Senator Liias on page 3, line 33 to Substitute Senate Bill No. 6617.

The motion by Senator Liias carried and floor amendment no. 1167 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 6617 was advanced to third

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

Senator Liias spoke in favor of passage of the bill.

Senators Zeiger and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6617.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6617 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Van De Wege, Walsh and Wilson, C.

Voting nay: Senators Becker, Brown, Cleveland, Conway, Ericksen, Hasegawa, Honeyford, O'Ban, Padden, Rolfes, Short, Takko, Wagoner, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6582, by Senators Hobbs, Stanford, Muzzall, Salomon, McCoy, Wagoner and Liias

Concerning the number of fire protection district commissioners.

The measure was read the second time.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6582.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6582 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5299, by Senators Padden, Frockt, Kuderer and Wagoner

Concerning impaired driving.

#### MOTIONS

On motion of Senator Padden, Second Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Padden moved that the following floor amendment no. 1066 by Senator Padden be adopted:

On page 24, line 15, after "(1)", strike "Within existing resources", and insert "When funded"

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1066 by Senator Padden on page 24, line 15 to Second Substitute Senate Bill No. 5299.

The motion by Senator Padden carried and floor amendment no. 1066 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, O'Ban, Honeyford and Becker spoke in favor of passage of the bill.

Senator Frockt spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5299.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hunt, Mullet and Saldaña

Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

SENATE BILL NO. 6378, by Senators Kuderer, Darneille, Das and Lovelett

Concerning residential tenant protections.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 6378 was substituted for Senate Bill No. 6378 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kuderer moved that the following striking floor amendment no. 1062 by Senator Kuderer be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that despite the passage of several eviction reforms during the 2019 regular legislative session there is a need to clarify certain reforms and to address the unintended effects and oversights that have limited the impact and remedial nature of these reforms available to tenants. Specifically, the legislature finds that further clarity is required as to how and when tenants can access emergency rental assistance to pay off unlawful detainer judgment amounts and have their tenancies reinstated before judgment, when landlords can issue pay or vacate notices to tenants whose primary source of income is regular, monthly governmental assistance, and that a landlord cannot threaten a tenant with eviction for failure to pay fees not related to rent. As a result, the legislature intends with this act to make such modifications to ensure that tenants with limited to no resources maintain stable housing.

Sec. 2. RCW 59.18.057 and 2019 c 356 s 3 are each amended to read as follows:

(1) Every fourteen-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

"TO: \_\_\_\_\_
AND TO: \_\_\_\_\_
ADDRESS: \_\_\_\_\_

FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES

You are receiving ((the attached)) this notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or recurring or periodic charges that are past due.

- (1) Monthly rent due for (list month(s)): \$ (dollar amount) AND/OR
(2) Utilities due for (list month(s)): \$ (dollar amount) AND/OR
(3) Other recurring or periodic charges identified in the lease for (list month(s)): \$ (dollar amount)
TOTAL AMOUNT DUE: \$ (dollar amount)

Note - payment must be ((by cash)) made pursuant to the terms of the rental agreement or by nonelectronic means including, but not limited to, cashier's check, money order, or other certified funds ((pursuant to the terms of the rental agreement)).

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after

service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages on its web site. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, for no-cost legal assistance for low-income renters call 2-1-1 ((to learn about these services)) or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. - 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional information to help you at http://www.washingtonlawhelp.org.

State law provides you the right to receive interpreter services at court.

OWNER/LANDLORD: \_\_\_\_\_ DATE: \_\_\_\_\_

WHERE TOTAL AMOUNT DUE IS TO BE PAID:
\_\_\_\_\_(owner/landlord name)\_\_\_\_
\_\_\_\_\_(address)\_\_\_\_\_ "

(2) The form required in this section does not abrogate any additional notice requirements to tenants as required by federal, state, or local law.

Sec. 3. RCW 59.18.063 and 2011 c 132 s 4 are each amended to read as follows:

(1) A landlord may refuse to accept cash for any payment of rent made by a tenant, but shall provide a receipt for any payment made by a tenant in the form of cash when the landlord accepts cash.

(2) A landlord shall provide, upon the request of a tenant, a written receipt for any payments made by the tenant in a form other than cash.

Sec. 4. RCW 59.18.365 and 2019 c 356 s 9 are each amended to read as follows:

(1) The summons must contain the names of the parties to the proceeding, the attorney or attorneys if any, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him or her. The summons must contain a street address for service of the notice of appearance or answer and, if available, a facsimile number for the plaintiff or the plaintiff's attorney, if represented. The summons must be served and returned in the same manner as a summons in other actions is served and returned.

(2) A defendant may serve a copy of an answer or notice of appearance by any of the following methods:

(a) By delivering a copy of the answer or notice of appearance to the person who signed the summons at the street address listed on the summons;

(b) By mailing a copy of the answer or notice of appearance addressed to the person who signed the summons to the street address listed on the summons;

(c) By facsimile to the facsimile number listed on the summons. Service by facsimile is complete upon successful transmission to the facsimile number listed upon the summons;

(d) As otherwise authorized by the superior court civil rules.

(3) The summons for unlawful detainer actions for tenancies covered by this chapter shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
IN AND
FOR . . . . . COUNTY

Plaintiff/  NO.  
 Landlord/   
 Owner,   
 vs.  EVICTION  
 Defendant/  SUMMONS  
 Tenant/  (Residential)  
 Occupant.

THIS IS AN IMPORTANT LEGAL DOCUMENT TO EVICT YOU.

**YOUR WRITTEN RESPONSE MUST BE RECEIVED BY: 5:00 p.m., on**

TO: ..... (Defendant's Name)  
..... (Defendant's Address)

**GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself in court and could be evicted.** If you cannot afford a lawyer, you may call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). They can refer you to free or low-cost legal help. ~~((They can help you find help to pay for a lawyer.))~~ You may find additional information to help you at <http://www.washingtonlawhelp.org>.

**HOW TO RESPOND: Phone calls to your Landlord or your Landlord's lawyer are not a response.** You may respond with a "notice of appearance." This is a letter that includes the following:

- (1) A statement that you are appearing in the court case
- (2) Names of the landlord(s) and the tenant(s) (as listed above)
- (3) Your name, your address where legal documents may be sent, your signature, phone number (if any), and case number (if the case is filed)

This case  is /  is not filed with the court. If this case is filed, you need to also file your response with the court by delivering a copy to the clerk of the court at: ..... (Clerk's Office/Address/Room number/Business hours of court clerk)

**WHERE TO RESPOND:** You must mail, fax, or hand deliver your response letter to your Landlord's lawyer, or if no lawyer is named in the complaint, to your Landlord. If you mail the response letter, you must do it 3 days before the deadline above. Request receipt of a proof of mailing from the post office. If you hand deliver or fax it, you must do it by the deadline above. The address is:

..... (Attorney/Landlord Name)  
..... (Address)  
..... (Fax - required if available)

**COURT DATE:** If you respond to this Summons, you will be notified of your hearing date in a document called an "Order to Show Cause." This is usually mailed to you. If you get notice of a hearing, **you must go to the hearing.** If you do not show up, your landlord can evict you. Your landlord might also charge you more money. If you move before the court date, you must tell your landlord or the landlord's attorney.

**Sec. 5.** RCW 59.18.410 and 2019 c 356 s 7 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages

arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. The court may award statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall not occur until the expiration of five court days after the entry of the judgment. Before ~~((such time has expired))~~ entry of a judgment or until five court days have expired after entry of the judgment, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed seventy-five dollars in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection (1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation. If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional fifty dollars for each time the tenant was reinstated after judgment pursuant to this subsection within the previous twelve months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

- (i) The tenant's willful or intentional default or intentional failure to pay rent;
- (ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;
- (iii) The tenant's ability to timely pay the judgment;
- (iv) The tenant's payment history;
- (v) Whether the tenant is otherwise in substantial compliance with the rental agreement;
- (vi) Hardship on the tenant if evicted; and
- (vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than ninety days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed thirty days, the total cumulative payments for each thirty-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within ninety days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the fifteenth of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the fifteenth of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under

this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT PLAN ORDERED BY COURT

NAME(S)  
ADDRESS  
CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT OF YOUR RENT AND/OR PAYMENT PLAN ORDERED BY THE COURT. YOUR LANDLORD HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE  
AMOUNT  
DATE  
AMOUNT  
DATE  
AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF \$ . . . .

PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE BALANCE WITHIN THREE CALENDAR DAYS, THE LANDLORD MAY PROCEED WITH A PHYSICAL EVICTION FOR POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE  
SIGNATURE  
LANDLORD/AGENT  
NAME  
ADDRESS  
PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

~~(d) ((A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3)).~~

~~(e))~~(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord

mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). In accordance with RCW 43.31.605(1)(c), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)((~~e~~)) (d) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)((~~e~~)) (d) within thirty days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)((~~e~~)) (d) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1)(c) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

**Sec. 6.** RCW 59.18.230 and 2011 c 132 s 11 are each amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(b) A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed five hundred dollars, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to five hundred dollars per day but not to exceed five thousand dollars, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

**Sec. 7.** RCW 59.18.290 and 2019 c 356 s 10 are each amended to read as follows:

(1) It is unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable attorneys' fees.

(2) It is unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him or her, and the prevailing party may recover his or her costs of suit or arbitration and reasonable attorneys' fees subject to subsections (3) and (4) of this section.

(3) Where the court has entered a judgment in favor of the landlord restoring possession of the property to the landlord, the court may award reasonable attorneys' fees to the landlord; however, the court shall not award attorneys' fees in the following instances:

(a) If the judgment for possession is entered after the tenant failed to ((~~appear~~)) respond to a pleading or other notice requiring a response authorized under this chapter; or

(b) If the total amount of rent awarded in the judgment for rent is equal to or less than two months of the tenant's monthly contract rent or one thousand two hundred dollars, whichever is greater.

(4) If a tenant has filed a motion to stay a writ of restitution from execution, the court may only award attorneys' fees to the landlord if the tenant is permitted to be reinstated pursuant to RCW 59.18.410(3). Any attorneys' fees awarded shall be subject to repayment pursuant to RCW 59.18.410(3).

**Sec. 8.** RCW 59.18.140 and 2019 c 105 s 1 are each amended to read as follows:

(1) The tenant shall conform to all reasonable obligations or



THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement.

(2) The tenant may propose that the date rent is due in the rental agreement be altered to a different due date of the month if the request is submitted in writing and the tenant can demonstrate that his or her primary source of income is a regular, monthly source of governmental assistance that is not received until after the date rent is due. The landlord shall agree to such a proposal if the proposed new due date is not more than five days later than the original rent due date. If the tenant can demonstrate that their source of regular, monthly governmental assistance is not received until more than five days after the original rent due date, a landlord may retain the original rent due date but must provide the tenant a one-time option to pay one month's rent in equal installments over three months. Nothing in this section precludes the landlord and the tenant from agreeing to a different rent due date or other arrangements.

(3) Except for termination of tenancy and an increase in the amount of rent, after thirty days written notice to each affected tenant, a new rule of tenancy may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

~~((3))~~ (4)(a) Except as provided in (b) of this subsection, a landlord shall provide a minimum of sixty days' prior written notice of an increase in the amount of rent to each affected tenant, and any increase in the amount of rent may not become effective prior to the completion of the term of the rental agreement.

(b) If the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, a landlord shall provide a minimum of thirty days' prior written notice of an increase in the amount of rent to each affected tenant. An increase in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

**Sec. 9.** RCW 43.31.605 and 2019 c 356 s 12 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent

jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement made pursuant to RCW 59.18.410(3)(d)(ii) must be accompanied by a court order staying the writ of restitution pursuant to RCW 59.18.410(3). Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its web site for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining

reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

**NEW SECTION. Sec. 10.** Sections 5 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "protections;" strike the remainder of the title and insert "amending RCW 59.18.057, 59.18.063, 59.18.365, 59.18.410, 59.18.230, 59.18.290, 59.18.140, and 43.31.605; creating a new section; and declaring an emergency."

#### MOTION

Senator Kuderer moved that the following floor amendment no. 1163 by Senator Kuderer be adopted:

On page 10, beginning on line 1, after "(d)" strike all material through "(e))" on line 6 and insert "A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)"

Correct any internal references accordingly.

Beginning on page 13, line 28, strike all of section 8

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

On page 20, line 15, after "59.18.290," strike "59.18.140,"

Senators Kuderer and Zeiger spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1163 by Senator Kuderer on page 10, line 1 to striking floor amendment no. 1062.

The motion by Senator Kuderer carried and floor amendment no. 1163 was adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 1165 by Senators Wilson, L. and Zeiger be adopted:

On page 20, after line 8, insert the following:

**NEW SECTION. Sec. 10.** A new section is added to chapter 35.21 RCW to read as follows:

A city or town of any class may not enact, maintain, or enforce ordinances or other provisions that prohibit for any period of time any evictions of tenants by landlords in single-family or multifamily residential rental units or manufactured/mobile home communities as authorized under chapter 59.12, 59.18, or 59.20 RCW unless the city or town compensates the landlord for the cost of rent, as defined in RCW 59.18.030.

**NEW SECTION. Sec. 11.** A new section is added to chapter 35A.21 RCW to read as follows:

A code city may not enact, maintain, or enforce ordinances or other provisions that prohibit for any period of time any evictions of tenants by landlords in single-family or multifamily residential rental units or manufactured/mobile home communities as

authorized under chapter 59.12, 59.18, or 59.20 RCW unless the code city compensates the landlord for the cost of rent, as defined in RCW 59.18.030.

**NEW SECTION. Sec. 12.** A new section is added to chapter 36.01 RCW to read as follows:

A county may not enact, maintain, or enforce ordinances or other provisions that prohibit for any period of time any evictions of tenants by landlords in single-family or multifamily residential rental units or manufactured/mobile home communities as authorized under chapter 59.12, 59.18, or 59.20 RCW unless the county compensates the landlord for the cost of rent, as defined in RCW 59.18.030."

Renumber the remaining section consecutively.

On page 20, line 15, after "43.31.605;" insert "adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW;"

Senator Wilson, L. spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1165 by Senators Wilson, L. and Zeiger on page 20, after line 8 to striking floor amendment no. 1062.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1165 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, floor amendment no. 1166 by Senators Wilson, L. and Zeiger on page 20, line 9 to striking floor amendment no. 1062 was withdrawn.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1062 by Senator Kuderer as amended to Substitute Senate Bill No. 6378.

The motion by Senator Kuderer carried and striking floor amendment no. 1062 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 6378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Zeiger and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6378.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6378 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darnelle, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Erickson, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and

Wilson, L.

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6641, by Senators O'Ban, Conway, Wilson and C.

Increasing the availability of certified sex offender treatment providers.

#### MOTIONS

On motion of Senator O'Ban, Engrossed Substitute Senate Bill No. 6641 was substituted for Senate Bill No. 6641 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 6641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6641.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6408, by Senators Wilson, L., Mullet, Short, Becker, Takko, King, Zeiger, Brown, Schoesler, Frockt, Hasegawa, Rolfes, Honeyford, Walsh, Van De Wege and Braun

Concerning agency responsibilities to regulated businesses and professions.

#### MOTIONS

On motion of Senator Wilson, L., Substitute Senate Bill No. 6408 was substituted for Senate Bill No. 6408 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, L., the rules were suspended, Substitute Senate Bill No. 6408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, L. and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6408.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6408 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6092, by Senators Wilson, C., Wellman, Hawkins, Kuderer and Mullet

Awarding diplomas posthumously.

#### MOTION

On motion of Senator Wilson, C., Substitute Senate Bill No. 6092 was substituted for Senate Bill No. 6092 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Wilson, C. moved that the following floor amendment no. 1144 by Senator Wilson, C. be adopted:

On page 2, beginning on line 19, after "(ii)" strike all material through "at" on line 20 and insert "Had completed at least seventy-five percent of the total number of credits required for graduation as established by the state board of education under RCW 28A.230.090 before"

Senator Wilson, C. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1144 by Senator Wilson, C. on page 2, line 19 to Substitute Senate Bill No. 6092.

The motion by Senator Wilson, C. carried and floor amendment no. 1144 was adopted by voice vote.

#### MOTIONS

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute Senate Bill No. 6092 was advanced to third

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

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

Senators Wilson, C. and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6092.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6256, by Senators Wellman, Short and Hasegawa

Concerning the heating oil insurance program.

#### MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 6256 was substituted for Senate Bill No. 6256 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 967 by Senator Honeyford be adopted:

On page 10, after line 30, insert the following:

**"NEW SECTION. Sec. 11.** A new section is added to chapter 70.149 RCW to read as follows:

Any city that requires a heating oil tank owner to replace the heating oil tank is solely liable for any accidental release."

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

On page 1, beginning on line 3 of the title, after "adding" strike "a new section" and insert "new sections"

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 967 by Senator Honeyford on page 10, after line 30 to Substitute Senate Bill No. 6256.

The motion by Senator Honeyford failed and floor amendment no. 967 was not adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 6256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6256.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6256 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6257, by Senators Wellman and Short

Concerning the underground storage tank reinsurance program.

#### MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 6257 was substituted for Senate Bill No. 6257 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 6257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6257.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6257 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5614, by Senators Rivers, Wagoner, Warnick, Becker, Short, Hawkins, Fortunato, Palumbo and O'Ban

Harming police animals.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 5614 was substituted for Senate Bill No. 5614 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following striking floor amendment no. 1040 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.76.200 and 2012 c 94 s 2 are each amended to read as follows:

(1) A person is guilty of harming a police dog, accelerant detection dog, or police horse, if he or she (~~maliciously~~) intentionally injures, disables, shoots, or kills by any means any dog or horse that the person knows or has reason to know to be a police dog or accelerant detection dog, as defined in RCW 4.24.410, or police horse, as defined in subsection (2) of this section, whether or not the dog or horse is actually engaged in police or accelerant detection work at the time of the injury.

(2) "Police horse" means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her office.

(3) Harming a police dog, accelerant detection dog, or police horse is a class C felony.

(4) Harming a police dog, accelerant detection dog, or police horse is a class B felony if the person kills a police dog, accelerant detection dog, or police horse.

(5)(a) In addition to the criminal penalty provided in this section for harming a police dog:

(i) The court may impose a civil penalty of up to five thousand dollars for harming a police dog.

(ii) The court shall impose a civil penalty of at least five thousand dollars and may increase the penalty up to a maximum of ten thousand dollars for killing a police dog.

(b) Moneys collected must be distributed to the jurisdiction that owns the police dog.

Sec. 2. RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)

	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW

46.52.020(4)(a)  
 Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)  
 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
 Malicious placement of an explosive 2 (RCW 70.74.270(2))  
 Robbery 1 (RCW 9A.56.200)  
 Sexual Exploitation (RCW 9.68A.040)  
 VIII Arson 1 (RCW 9A.48.020)  
 Commercial Sexual Abuse of a Minor (RCW 9.68A.100)  
 Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)  
 Manslaughter 2 (RCW 9A.32.070)  
 Promoting Prostitution 1 (RCW 9A.88.070)  
 Theft of Ammonia (RCW 69.55.010)  
 VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))  
 Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))  
 Burglary 1 (RCW 9A.52.020)  
 Child Molestation 2 (RCW 9A.44.086)  
 Civil Disorder Training (RCW 9A.48.120)  
 Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))  
 Drive-by Shooting (RCW 9A.36.045)  
 Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)  
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))  
 Introducing Contraband 1 (RCW 9A.76.140)  
 Malicious placement of an explosive 3 (RCW 70.74.270(3))  
 Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))  
 Negligently Causing Death By Use of a Signal Preemption Device

(RCW 46.37.675)  
 Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))  
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))  
 Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))  
 Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)  
 Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)  
 VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))  
 Bribery (RCW 9A.68.010)  
Harming a Police Dog, Accelerant Detection Dog, or Police Horse (if the police dog, accelerant detection dog, or police horse is killed) (RCW 9A.76.200)  
 Incest 1 (RCW 9A.64.020(1))  
 Intimidating a Judge (RCW 9A.72.160)  
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
 Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))  
 Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))  
 Rape of a Child 3 (RCW 9A.44.079)  
 Theft of a Firearm (RCW 9A.56.300)  
 Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))  
 Unlawful Storage of Ammonia (RCW 69.55.020)  
 V Abandonment of Dependent Person 2 (RCW 9A.42.070)  
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
 Air bag diagnostic systems (RCW 46.37.660(2)(c))  
 Air bag replacement requirements (RCW 46.37.660(1)(c))  
 Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hate Crime (RCW 9A.36.080)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))



III

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)

Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial

Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW

II

9A.90.040)		2.48.180)
Counterfeiting (RCW 9.16.035(3))		Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Electronic Data Service Interference (RCW 9A.90.060)		Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Electronic Data Tampering 1 (RCW 9A.90.080)		Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Electronic Data Theft (RCW 9A.90.100)		Voyeurism 1 (RCW 9A.44.115)
Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))	I	Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Escape from Community Custody (RCW 72.09.310)		False Verification for Welfare (RCW 74.08.055)
Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)		Forgery (RCW 9A.60.020)
Health Care False Claims (RCW 48.80.030)		Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
Identity Theft 2 (RCW 9.35.020(3))		Malicious Mischief 2 (RCW 9A.48.080)
Improperly Obtaining Financial Information (RCW 9.35.010)		Mineral Trespass (RCW 78.44.330)
Malicious Mischief 1 (RCW 9A.48.070)		Possession of Stolen Property 2 (RCW 9A.56.160)
Organized Retail Theft 2 (RCW 9A.56.350(3))		Reckless Burning 1 (RCW 9A.48.040)
Possession of Stolen Property 1 (RCW 9A.56.150)		Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
Possession of a Stolen Vehicle (RCW 9A.56.068)		Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))		Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)		Theft 2 (RCW 9A.56.040)
Theft 1 (RCW 9A.56.030)		Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
Theft of a Motor Vehicle (RCW 9A.56.065)		Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))		Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
Theft with the Intent to Resell 2 (RCW 9A.56.340(3))		Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
Trafficking in Insurance Claims (RCW 48.30A.015)		Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))		Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))		Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
Unlawful Practice of Law (RCW		Unlawful Possession of Payment Instruments (RCW 9A.56.320)
		Unlawful Possession of a Personal

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Identification Device (RCW 9A.56.320)

There being no objection, the title of the bill was ordered to stand as the title of the act.

Unlawful Production of Payment Instruments (RCW 9A.56.320)

MOTION

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

At 3:10 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Warnick announced a meeting of the Republican Caucus.

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Senator Liias announced a meeting of the Democratic Caucus.

Unlawful Use of Food Stamps (RCW 9.91.144)

----

The Senate was called to order at 3:37 p.m. by President Habib.

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

SECOND READING

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

SENATE BILL NO. 6531, by Senators Braun, Takko and Schoesler

Vehicle Prowl 1 (RCW 9A.52.095)

Concerning the performance of personal services by a craft distillery, distiller, spirits certificate of approval holder, or distributor. Revised for 1st Substitute: Concerning the performance of personal services by a craft distillery, distiller, or spirits certificate of approval holder.

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

MOTIONS

On page 1, line 1 of the title, after "animal;" strike the remainder of the title and insert "amending RCW 9A.76.200; reenacting and amending RCW 9.94A.515; and prescribing penalties."

On motion of Senator Braun, Substitute Senate Bill No. 6531 was substituted for Senate Bill No. 6531 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1040 by Senator Rivers to Substitute Senate Bill No. 5614.

The motion by Senator Rivers carried and striking floor amendment no. 1040 was adopted by voice vote.

Senator Braun spoke in favor of passage of the bill.

Senators Keiser and Conway spoke on passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6531.

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ROLL CALL

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

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Carlyle, Conway, Darneille, Hasegawa, Kuderer, Padden, Saldaña, Salomon, Sheldon, Stanford and Van De Wege

Absent: Senator Ericksen

Excused: Senator Fortunato

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Darneille, Hasegawa and Saldaña

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5614, having received the constitutional majority, was declared passed.

On motion of Senator Rivers, Senator Ericksen was excused.

#### MOTION

Senator O'Ban moved that the Senate advance to the ninth order of business.

Senator Liias objection to the motion by Senator O'Ban.

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator O'Ban to advance to the ninth order of business.

#### ROLL CALL

The Secretary called the roll on the motion by Senator O'Ban to advance to the ninth order of business and the motion did not carry by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Braun, Brown, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L., and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C.

Excused: Senators Ericksen and Fortunato

#### SECOND READING

SENATE BILL NO. 6268, by Senators Rolfes, Kuderer, Wellman, Darneille, Hasegawa, Wilson, C. and Das

Preventing abusive litigation between intimate partners.

#### MOTIONS

On motion of Senator Rolfes, Engrossed Substitute Senate Bill No. 6268 was substituted for Senate Bill No. 6268 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kuderer moved that the following floor amendment no. 1069 by Senator Kuderer be adopted:

On page 4, line 4, after "charged", insert "to the unrestricted party"

Senator Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1069 by Senator Kuderer on page 4, line 4 to Engrossed Substitute Senate Bill No. 6268.

The motion by Senator Kuderer carried and floor amendment no. 1069 was adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6268.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6268 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6358, by Senators Randall, Short, Wilson and C.

Requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers.

#### MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 6358 was substituted for Senate Bill No. 6358 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 6358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6358.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6358, having received the constitutional majority, was declared passed. There being no

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

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

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

SECOND READING

SENATE BILL NO. 6423, by Senators Cleveland, Darneille, Wilson and C.

Senators Dhingra, Hawkins and Brown spoke in favor of passage of the bill.

Concerning reports alleging child abuse and neglect.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6073.

The measure was read the second time.

ROLL CALL

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Senator Cleveland spoke in favor of passage of the bill.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

The President declared the question before the Senate to be the final passage of Senate Bill No. 6423.

Excused: Senator Fortunato

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

SENATE BILL NO. 6073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 6483, by Senators Wilson, C. and Nguyen

Excused: Senator Fortunato

Concerning rating requirements for child care providers.

MOTIONS

SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Wilson, C., Substitute Senate Bill No. 6483 was substituted for Senate Bill No. 6483 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 6073 was not substituted for Senate Bill No. 6073 and the substitute bill was not adopted.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 6483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, C. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6483.

SECOND READING

ROLL CALL

SENATE BILL NO. 6073, by Senators Dhingra, Rivers, Lovelett, Saldaña, Wilson, C., Mullet, Keiser, Nguyen, Cleveland, Salomon, Randall, Rolfes, Darneille, Conway, Pedersen, Kuderer, Van De Wege, Das, Lias, Frockt, Hasegawa and Stanford

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6483 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Providing menstrual hygiene products in public school bathrooms.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

The measure was read the second time.

Voting nay: Senators Ericksen, Hasegawa and Short

MOTION

On motion of Senator Dhingra, the rules were suspended, Senate Bill No. 6073 was advanced to third reading, the second

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of

the act.

## SECOND READING

SENATE BILL NO. 5168, by Senators Hasegawa and Saldaña

Modifying notice and opportunity provisions relating to certain enforcement actions taken by a homeowners' or condominium association.

## MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5168 was substituted for Senate Bill No. 5168 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5168.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Muzzall

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6228, by Senators Kuderer, Darneille, Saldaña, Pedersen, Nguyen, Hasegawa, Carlyle, Lovelett, Cleveland, Billig, Keiser, McCoy, Liias, Hunt, Wilson, C., Randall, Mullet, Takko, Das, Dhingra and Stanford

Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections.

## MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 6228 was substituted for Senate Bill No. 6228 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Schoesler moved that the following floor amendment no. 989 by Senator Schoesler be adopted:

On page 1, line 1 of the title, after "to" strike all material through "corrections" on line 3 and insert "allowing convicted felons to vote before they have finished the terms of their sentences"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 1 to Substitute Senate Bill No. 6228.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Fortunato.

## MOTION

Senator Kuderer moved that the following floor amendment no. 959 by Senator Kuderer be adopted:

On page 2, line 26, after "a" strike "~~((date of birth))~~" and insert "date of birth"

On page 2, beginning on line 26, after "comparison" strike all material through "number," on line 29

On page 7, line 25, after "~~permanent~~)" insert "automatic"

Senators Kuderer and Zeiger spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 959 by Senator Kuderer on page 2, line 26 to Substitute Senate Bill No. 6228.

The motion by Senator Kuderer carried and floor amendment no. 959 was adopted by voice vote.

## MOTION

Senator Short moved that the following floor amendment no. 988 by Senator Short be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 3, line 16 to Substitute Senate Bill No. 6228.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, King, Lovelett, McCoy, Mullet, Muzzall, O'Ban, Padden, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Darneille, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen, Pedersen, Saldaña and Wilson, C.

Excused: Senator Fortunato.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 990 by Senator Wagoner be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(3)(b), but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for

2020 REGULAR SESSION

twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(3)(b)"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701(3)(b), but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(3)(b)"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(3)(b), but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(3)(b)"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Wagoner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Dhingra spoke against adoption of the amendment.

#### POINT OF ORDER

Senator Short: "Mr. President. What the good gentlelady was referring to is inappropriate for this body and I might also say that you know, I think the victims of the shootings and all of the things that have been going on, I think they might disagree, but her reference to that was very inappropriate.

#### RULING BY THE PRESIDENT

President Habib: "I will confess, I actually personally did not hear it because I was attending to a different matter. What I will say, I've been told what was said, Senator Dhingra, I am going to ask that in understanding how sensitive this bill is these amendments are, I'm going to ask that we all try to be respectful. We've come so far, thirty-eight days, and I was going to say just in a few minutes how grateful I am to everyone here for having so much collegiality this session. I don't think I can remember any such, anything like it in the years I've been elected, so, let's try to keep that. I know it is difficult on a contentious topic but if we could stay within the boundaries of this policy that would help everybody, alright. Senator Dhingra please continue."

The President declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 3, line 16 to Substitute Senate Bill No. 6228.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wagoner and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden,

Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Fortunato.

#### MOTION

Senator O'Ban moved that further consideration of Substitute Senate Bill No. 6228 be deferred and the bill hold its place on the second reading calendar and that the Senate immediately consider Senate Bill No. 6515.

Senator Liias objected to the motion by Senator O'Ban.

#### RULING BY THE PRESIDENT

President Habib: "Senator O'Ban's moved that the Senate defer consideration of Senate Bill No. 6228 and instead take up Senate Bill No. 6515. Senator Liias has objected. Senator O'Ban these are, it's a compound motion that you have made and so, I'm going to ask that we, I'm going to rule that we divide that question and take up you motion to defer consideration without, which if that fails to pass then you are free to make, or either way you are free to make another motion."

Senator O'Ban spoke in favor of the motion to defer consideration of Senate Bill No. 6228.

Senator Liias spoke against the motion to defer consideration. Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Schoesler, Braun and Walsh spoke in favor of the motion to defer consideration.

Senator Billig spoke against the motion to defer consideration.

The President stated the question before the Senate to be the motion by Senator O'Ban to defer further consideration of Senate Bill No. 6228.

#### ROLL CALL

The Secretary called the roll on the motion by Senator O'Ban to defer consideration on Senate Bill No. 6228 and the motion did not carry by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Fortunato.

#### SPECIAL ORDER OF BUSINESS

The hour fixed for consideration of the special order of business having arrived, the President called the Senate to order. Further consideration of Substitute Senate Bill No. 6228 was deferred and the Senate immediately considered Senate Bill No. 5400 as a special order.

#### PARLIAMENTARY INQUIRY

Senator O'Ban: "Mr. President, I understood your ruling to be that we would rule on the first motion, and then proceed to the second which was immediate consideration of Senate Bill No. 6515, the skilled nursing bill facility.

#### RULING BY THE PRESIDENT

President Habib: "You can move for immediate consideration of that bill when this, so we currently have a bill before us. Right, the underlying bill 6228 is before us so a motion to immediately consider another bill is not in order at that time."

Senator O'Ban: "Well, Mr. President, when we are done with this bill, I want to reserve the right to stand and make this motion."

President Habib: "You can make that motion, and, when it is in order. And then there will be a question, there may be a question of whether or not it was subject or not to the cutoff resolution or not, that we don't know right now. That is not being ruled on at the moment. The proper time to bring a motion to immediately consider would be either had your original motion prevailed or if having failed following the completion of this bill. So you can't bring that motion when there is another bill before the Senate."

#### SECOND READING

SENATE BILL NO. 5400, by Senators Conway, Bailey, Hunt, Zeiger, Wilson, C., Van De Wege, Hasegawa, Holy, Kuderer, Pedersen and Saldaña

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

#### MOTION

On motion of Senator Conway, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Rivers moved that the following floor amendment no. 1171 by Senators Brown, Rivers, Short, Walsh and Wilson, L. be adopted:

On page 1, line 16, after "of" strike "three" and insert "five"

On page 1, line 17, after "exceed" strike "sixty-two dollars and fifty cents" and insert "one hundred dollars"

On page 2, line 10, after "of" strike "three" and insert "five"

On page 2, line 12, after "exceed" strike "sixty-two dollars and fifty cents" and insert "one hundred dollars"

Senators Rivers, Walsh and Becker spoke in favor of adoption of the amendment.

Senator Conway spoke against adoption of the amendment.

Senator Walsh spoke in favor of adoption of the amendment.

Senator Walsh demanded a roll call.

Senator Becker spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Wagoner: "A roll call was requested."



RULING BY THE PRESIDENT

President Habib: "I was just told that by the attorney and I was going to be so courteous as to let Senator Becker finish her remarks and then we are going to ask for that motion to be sustained."

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Wagoner: "I guess I am less courteous than you, thank you, Mr. President."

Senator Becker continued her remarks in favor of adoption of the amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown, Rivers, Short, Walsh and Wilson, L on page 1, line 16, to Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Brown, Rivers, Short, Walsh and Wilson, L and the amendment was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, Hunt, King, Muzzall, O'Ban, Padden, Randall, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Excused: Senator Fortunato.

The Lieutenant Governor voting nay.

MOTION

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6228 which it had deferred earlier in the day.

EDITOR'S NOTE: The substitute bill was on second reading for purpose of amendments.

MOTION

Senator Sheldon moved that the following floor amendment no. 991 by Senator Sheldon be adopted:

On page 3, at the beginning of line 16, strike "does not include" and insert "includes"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 6, at the beginning of line 2, strike "does not include" and insert "includes"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 7, line 35, after "total confinement" strike "does not include" and insert "includes"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 991 by Senator Sheldon on page 3, line 16 to Substitute Senate Bill No. 6228.

The motion by Senator Sheldon did not carry and floor amendment no. 991 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 993 by Senator Holy be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 5, line 1, after "confinement" strike all material

through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

Senators Holy, Short and Becker spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 993 by Senator Holy on page 3, line 16 to Substitute Senate Bill No. 6228.

The motion by Senator Holy did not carry and floor amendment no. 993 was not adopted by voice vote.

#### MOTION

Senator Becker moved that the following floor amendment no. 994 by Senator Becker be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the

physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

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

Senator Dhingra spoke against adoption of the amendment.

Senator Rolfe spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 994 by Senator Becker on page 3, line 16 to Substitute Senate Bill No. 6228.

The motion by Senator Becker carried and floor amendment no. 994 was adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 996 by Senator Padden be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

Senator Padden spoke in favor of adoption of the amendment.

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Senator Kuderer spoke against adoption of the amendment.

Senator Ericksen spoke in favor of adoption of the amendment.

## MOTION

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, line 16 to Substitute Senate Bill No. 6228.

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 6228 was deferred, and the bill held its place on the second reading calendar.

## ROLL CALL

## MOTION

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 1; Excused, 1.

At 5:42 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Thursday, February 20, 2020.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wilson, L. and Zeiger

Senator McCoy announced a meeting of the Democratic Caucus.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frocht, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Stanford, Wellman and Wilson, C.

Senator Becker announced a meeting of the Republican Caucus.

CYRUS HABIB, President of the Senate

Absent: Senator Walsh

Excused: Senator Fortunato.

BRAD HENDRICKSON, Secretary of the Senate

1182-S2		2793-S2	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	3
1191-S2		5168-S	
Introduction & 1st Reading.....	1	Second Reading .....	38
1645-S2		Third Reading Final Passage .....	38
Introduction & 1st Reading.....	1	5299-S2	
1651-S2		Second Reading .....	20
Introduction & 1st Reading.....	1	Third Reading Final Passage .....	20
2110		5400-S	
Introduction & 1st Reading.....	1	Second Reading .....	40
2259		Third Reading Final Passage .....	41
Introduction & 1st Reading.....	1	5607-S2	
2308-S		Second Reading .....	13
Introduction & 1st Reading.....	2	Third Reading Final Passage .....	13
2338-S		5614-S	
Introduction & 1st Reading.....	2	Second Reading .....	30
2359-S		Third Reading Final Passage .....	35
Introduction & 1st Reading.....	2	5829-S	
2384-S		Other Action.....	8
Introduction & 1st Reading.....	2	Second Reading .....	8
2390		Third Reading .....	8
Introduction & 1st Reading.....	2	Third Reading Final Passage .....	10
2396		5984-S	
Introduction & 1st Reading.....	2	Second Reading .....	13, 14
2457-S2		Third Reading Final Passage .....	14
Introduction & 1st Reading.....	2	6049	
2458		Second Reading .....	8
Introduction & 1st Reading.....	2	Third Reading Final Passage .....	8
2464-S		6058-S	
Introduction & 1st Reading.....	2	Second Reading .....	12
2498-S		Third Reading Final Passage .....	12
Introduction & 1st Reading.....	2	6064-S2	
2513-S2		Second Reading .....	15
Introduction & 1st Reading.....	2	Third Reading Final Passage .....	16
2554-S		6073	
Introduction & 1st Reading.....	2	Other Action.....	37
2567-S		Second Reading .....	37
Introduction & 1st Reading.....	3	Third Reading Final Passage .....	37
2634-S		6092-S	
Introduction & 1st Reading.....	3	Second Reading .....	28
2673-S		Third Reading Final Passage .....	29
Introduction & 1st Reading.....	3	6117-S2	
2710		Second Reading .....	5
Introduction & 1st Reading.....	3	Third Reading Final Passage .....	5
2739		6164	
Introduction & 1st Reading.....	3	Second Reading .....	13
2789-S		Third Reading Final Passage .....	13
Introduction & 1st Reading.....	3	6189-S	

Second Reading .....	5, 6, 7	Third Reading Final Passage .....	11
Third Reading Final Passage .....	7	6423	
6212		Second Reading .....	37
Second Reading .....	12	Third Reading Final Passage .....	37
Third Reading Final Passage .....	12	6483-S	
6228-S		Second Reading .....	37
Second Reading .....	38, 39, 41, 42	Third Reading Final Passage .....	37
622-S		6531-S	
Second Reading .....	41	Second Reading .....	35
6236		Third Reading Final Passage .....	35
Second Reading .....	11	6582	
Third Reading Final Passage .....	11	Second Reading .....	20
6256-S		Third Reading Final Passage .....	20
Second Reading .....	29	6592-S	
Third Reading Final Passage .....	29	Second Reading .....	15
6257-S		Third Reading Final Passage .....	15
Second Reading .....	29	6617-S	
Third Reading Final Passage .....	30	Second Reading .....	19
6268-S		Third Reading Final Passage .....	20
Second Reading .....	36	6641-S	
Third Reading Final Passage .....	36	Second Reading .....	28
6280-S		Third Reading Final Passage .....	28
Second Reading .....	16	8212	
Third Reading Final Passage .....	19	Second Reading .....	11
6319-S		Third Reading Final Passage .....	12
Second Reading .....	14	8678	
Third Reading Final Passage .....	14	Adopted.....	4
6354		Introduced .....	3
Second Reading .....	12	9306 Roy D. Jennings	
Third Reading Final Passage .....	12	Confirmed .....	4
6358-S		CHAPLAIN OF THE DAY	
Second Reading .....	36	Redeemer, Mr. Malando, Minister, Shiloh	
Third Reading Final Passage .....	36	Baptist Church, Tacoma.....	1
6378-S		FLAG BEARERS	
Other Action.....	27	Blakeslee, Miss Clara.....	1
Second Reading .....	21, 27	Lee, Miss Chloe .....	1
Third Reading Final Passage .....	28	GUESTS	
6382-S2		Olson, Mr. Alexander, Pledge of Allegiance	1
Second Reading .....	8	PRESIDENT OF THE SENATE	
Third Reading Final Passage .....	8	Remarks by the President.....	1, 4
6408-S		Ruling by the President.....	39, 40, 41
Second Reading .....	28	WASHINGTON STATE SENATE	
Third Reading Final Passage .....	28	Parliamentary Inquiry, Senator O'Ban .....	40
6419-S		Point of Order, Senator Short.....	39
Other Action.....	10	Point of Order, Senator Wagoner.....	40
Second Reading .....	10		