

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 13, 2019

The Senate was called to order at 9:34 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.

The Sergeant at Arms Color Guard consisting of Pages Miss Esmerelda Rodriguez-Flores and Mr. Asa Trowbridge, presented the Colors. Page Miss Phuong Phan led the Senate in the Pledge of Allegiance.

The prayer was offered by the Rev. Robert C. Laird, Rector, St. John's Episcopal Church, Olympia.

The President called upon the Secretary to read the journal of the preceding day.

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.

MOTION

There being no objection, the Senate advanced to the first order of business.

COMMITTEE ON HEALTH & LONG TERM CARE

Pursuant to Senate Rule 45(13) and without objection, notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

Second Substitute House Bill No. 1767,
Engrossed Substitute House Bill No. 1768,
and Second Substitute House Bill No. 1907.

MOTION

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

INTRODUCTION AND FIRST READING

SJM 8012 by Senators Randall, Lovelett, Nguyen, Short, Rolfes, Palumbo, Cleveland, Saldaña, Billig, Keiser and Wilson, C.

Requesting that Congress allow design defect claims against vaccine manufacturers by individuals who have experienced adverse side effects caused by vaccines.

Referred to Committee on Law & Justice.

2SHB 1048 by House Committee on Appropriations (originally sponsored by Goodman, Stokesbary, Jinkins, Macri, Appleton, Wylie and Chambers)

AN ACT Relating to modifying the process for prevailing parties to recover judgments in small claims court; amending RCW 12.40.020, 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, 4.56.200, and 43.79.505; adding a new section to chapter 12.40 RCW; and repealing RCW 12.40.110.

Referred to Committee on Law & Justice.

2SHB 1059 by House Committee on Appropriations (originally sponsored by Van Werven, Kraft, Kilduff, Chambers, Eslick, Vick and Leavitt)

AN ACT Relating to extending the business and occupation tax return filing due date for annual filers; amending RCW 82.32.045 and 35.102.070; and creating new sections.

Referred to Committee on Ways & Means.

HB 1092 by Representatives Fey and Jinkins

AN ACT Relating to the compensation of commissioners of certain metropolitan park districts; and amending RCW 35.61.150.

Referred to Committee on Local Government.

SHB 1100 by House Committee on Civil Rights & Judiciary (originally sponsored by Jinkins)

AN ACT Relating to competency to stand trial evaluations; amending RCW 10.77.073; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

EHB 1126 by Representatives Morris, Ryu, Wylie, Kloba and Young

AN ACT Relating to enabling electric utilities to prepare for the distributed energy future; and adding a new section to chapter 19.280 RCW.

Referred to Committee on Environment, Energy & Technology.

SHB 1158 by House Committee on Consumer Protection & Business (originally sponsored by Ryu, Eslick, Appleton, Lovick, Blake, Stanford, Reeves, Kirby and Santos)

AN ACT Relating to regulation of permanent cosmetics under the Washington body art, body piercing, and tattooing act; amending RCW 18.300.005, 18.300.010, 18.300.020,

18.300.030, 18.300.040, 18.300.050, 18.300.060, 18.300.070, 18.300.080, 18.300.090, and 18.300.900; and providing an effective date.

Referred to Committee on Labor & Commerce.

HB 1301 by Representatives Kirby, Fey, Jinkins, Kilduff, Morgan, Leavitt and Wylie

AN ACT Relating to exempting certain leasehold interests in arenas with a seating capacity of more than two thousand from the leasehold excise tax; amending RCW 82.29A.130; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1423 by Representatives Tharinger, Harris, Jinkins, Corry, Macri, Kloba, Leavitt and Ormsby

AN ACT Relating to safe egress from adult family homes; and amending RCW 70.128.130.

Referred to Committee on Health & Long Term Care.

HB 1537 by Representatives Springer and Van Werven

AN ACT Relating to sunshine committee recommendations; amending RCW 42.56.250; and repealing RCW 42.56.340.

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

SHB 1545 by House Committee on State Government & Tribal Relations (originally sponsored by Mead, Hudgins, Morgan, Ramos, Gregerson, Wylie, Appleton, Bergquist, Doglio, Jinkins and Pollet)

AN ACT Relating to curing ballots to assure that votes are counted; and amending RCW 29A.60.165.

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

ESHB 1557 by House Committee on Commerce & Gaming (originally sponsored by MacEwen and Stanford)

AN ACT Relating to updating the liquor licensing process for annual licenses to address issues typically occurring between the time an applicant submits an application through the first renewal; and amending RCW 66.24.010.

Referred to Committee on Labor & Commerce.

ESHB 1569 by House Committee on Environment & Energy (originally sponsored by Ramos, Chapman, Callan, Peterson, Fitzgibbon and Slatter)

AN ACT Relating to marketing the degradability of products; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

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

SHB 1575 by House Committee on Labor & Workplace Standards (originally sponsored by Stonier, Valdez, Ryu, Sells, Chapman, Cody, Macri, Peterson, Kloba, Lovick, Gregerson, Fey, Pollet, Senn, Riccelli, Lekanoff, Fitzgibbon, Bergquist, Stanford, Doglio, Tharinger, Goodman, Jinkins, Frame and Davis)

AN ACT Relating to strengthening the rights of workers through collective bargaining by addressing authorizations

and revocations, certifications, and the authority to deduct and accept union dues and fees; amending RCW 28B.52.020, 28B.52.030, 28B.52.025, 28B.52.045, 41.56.060, 41.56.110, 41.56.113, 41.56.122, 41.59.060, 41.76.020, 41.76.045, 41.80.050, 41.80.080, 41.80.100, 47.64.090, 47.64.160, 49.39.080, 49.39.090, and 53.18.050; adding a new section to chapter 4.24 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 49.39 RCW; and repealing RCW 41.59.100.

Referred to Committee on Labor & Commerce.

HB 1673 by Representatives Steele, Eslick, Goehner and Riccelli

AN ACT Relating to exempting information relating to the regulation of explosives from public disclosure; amending RCW 42.56.460; and adding a new section to chapter 42.56 RCW.

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

EHB 1706 by Representatives Frame, Sells, Macri, Doglio, Gregerson, Riccelli, Callan, Jinkins, Goodman, Valdez, Bergquist, Kloba and Pollet

AN ACT Relating to eliminating subminimum wage certificates for persons with disabilities; and amending RCW 49.12.110 and 49.46.060.

Referred to Committee on Labor & Commerce.

2SHB 1725 by House Committee on Appropriations (originally sponsored by Dent, Valdez, Schmick, Pettigrew, Orcutt, Blake, Chandler, Springer, Pollet and Riccelli)

AN ACT Relating to implementing the recommendations of the pesticide application safety work group; adding a new section to chapter 70.104 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Labor & Commerce.

HB 1727 by Representatives Walen and Ormsby

AN ACT Relating to gift cards; amending RCW 19.240.010 and 19.240.020; repealing RCW 19.240.030, 19.240.040, 19.240.050, 19.240.060, and 19.240.070; and providing an effective date.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SHB 1734 by House Committee on College & Workforce Development (originally sponsored by Leavitt, Boehnke, Van Werven, Slatter, Jinkins and Santos)

AN ACT Relating to accreditation standards for college in the high school programs; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1839 by House Committee on Finance (originally sponsored by Sullivan, MacEwen, Pettigrew, Springer, Vick and Valdez)

AN ACT Relating to requiring eligible arena projects to fully pay the state and local sales tax within ten years of

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commencing construction; adding a new section to chapter 82.32 RCW; creating a new section; providing an expiration date; and declaring an emergency.

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

Referred to Committee on Ways & Means.

MOTION

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

E2SHB 1874 by House Committee on Appropriations (originally sponsored by Frame, Eslick, Davis, Bergquist and Doglio)

MOTION

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

AN ACT Relating to implementing policies related to expanding adolescent behavioral health care access as reviewed and recommended by the children’s mental health work group; amending RCW 71.34.010, 71.34.020, 71.34.500, 71.34.510, 71.34.520, 71.34.530, 71.34.650, 71.34.700, 71.34.710, 71.34.710, and 74.13.280; adding new sections to chapter 71.34 RCW; creating new sections; providing an effective date; and providing expiration dates.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Referred to Committee on Health & Long Term Care.

Senator Cleveland moved that Lisa Keohokalole Schauer, Senate Gubernatorial Appointment No. 9244, be confirmed as a member of the Board of Regents, Washington State University.

ESHB 1880 by House Committee on Commerce & Gaming (originally sponsored by Kloba, Harris, Davis, Ryu and Stanford)

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

AN ACT Relating to the creation of a joint legislative task force on problem gambling; adding a new section to chapter 9.46 RCW; creating a new section; and providing an expiration date.

APPOINTMENT OF LISA KEOHOKALOLE SCHAUER

Referred to Committee on Labor & Commerce.

The President declared the question before the Senate to be the confirmation of Lisa Keohokalole Schauer, Senate Gubernatorial Appointment No. 9244, as a member of the Board of Regents, Washington State University.

HB 1900 by Representatives Callan, Dent, Senn, Appleton, Doglio, Davis, Pollet, Frame and Jinkins

AN ACT Relating to implementing the family first prevention services act, P.L. 115-123, regarding expansion of services to children and families; amending RCW 13.34.025, 26.44.030, 74.14C.020, 74.15.020, 13.34.065, 13.34.130, 13.34.138, and 13.34.145; reenacting and amending RCW 13.34.030, 26.44.020, 74.13.020, and 74.13.031; adding new sections to chapter 13.34 RCW; adding a new section to chapter 26.44 RCW; adding a new section to chapter 74.13 RCW; and providing an effective date.

The Secretary called the roll on the confirmation of Lisa Keohokalole Schauer, Senate Gubernatorial Appointment No. 9244, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Referred to Committee on Human Services, Reentry & Rehabilitation.

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

Absent: Senators Ericksen and Sheldon

HB 2033 by Representatives Chambers, Paul, Dent, Van Werven, Thai, Eslick, Lekanoff, Corry, Shewmake and Frame

AN ACT Relating to mandatory reporting of child abuse and neglect; amending RCW 26.44.080 and 26.44.030; and prescribing penalties.

Lisa Keohokalole Schauer, Senate Gubernatorial Appointment No. 9244, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

MOTION

Referred to Committee on Human Services, Reentry & Rehabilitation.

On motion of Senator Rivers, Senators Ericksen and Sheldon were excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ESHB 2097 by House Committee on Appropriations (originally sponsored by Kretz, Chapman, Springer, Blake, Pettigrew, Dent, Schmick, Dye, Maycumber, Wilcox and Corry)

AN ACT Relating to addressing statewide wolf recovery; amending RCW 16.76.020; adding a new section to chapter 77.36 RCW; and creating new sections.

Senator Hawkins moved that Phyllis Gleasman, Senate Gubernatorial Appointment No. 9069, be confirmed as a member of the Wenatchee Valley College Board of Trustees.

Senator Hawkins spoke in favor of the motion.

APPOINTMENT OF PHYLLIS GLEASMAN

The President declared the question before the Senate to be the confirmation of Phyllis Gleasman, Senate Gubernatorial Appointment No. 9069, as a member of the Wenatchee Valley College Board of Trustees.

The Secretary called the roll on the confirmation of Phyllis Gleasman, Senate Gubernatorial Appointment No. 9069, as a member of the Wenatchee Valley College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Ericksen and Sheldon

Phyllis Gleasman, Senate Gubernatorial Appointment No. 9069, having received the constitutional majority was declared confirmed as a member of the Wenatchee Valley College Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 5359, by Senators Cleveland, Rivers, Darneille, Keiser, Van De Wege, Nguyen, Saldaña and Wilson, C.

Funding investigations to protect individuals with disabilities in the supported living program.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5359.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege,

Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Sheldon

SENATE BILL NO. 5359, 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. 5483, by Senators Braun, Keiser, Palumbo, Sheldon, Becker, Short, Wilson, C., Hunt, Kuderer and Darneille

Improving services for individuals with developmental disabilities.

MOTION

On motion of Senator Braun, Second Substitute Senate Bill No. 5483 was substituted for Senate Bill No. 5483 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following striking amendment no. 195 by Senators Braun and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) The office of the developmental disabilities ombuds is a private, independent office focused on improving the lives of persons with developmental disabilities in Washington state. It is the duty of the developmental disabilities ombuds to monitor procedures and services provided to people with developmental disabilities; review facilities and residences where services are provided; resolve complaints about services; and issue reports on the services provided.

(2) The office of the developmental disabilities ombuds has identified a systemic issue of adults with developmental disabilities being stuck in hospitals without any medical need because there is no alternative setting available to discharge the individual.

(3) Many of the individuals that are unable to discharge from the hospital are clients of the developmental disabilities administration of the department of social and health services. In some cases, these clients were receiving residential services and went to the hospital for a medical condition, but when the client was ready for discharge, their residential services provider had terminated services. Other clients were dropped off at the hospital by their residential service provider because the residential service provider could no longer manage the client's care.

(4) It is not in the public or the client's interest for hospitals to be used for clients that do not have medical needs. Further, changes must be made to the developmental disabilities administration's service delivery system to ensure clients have access to services that keep them in the community and prevent inappropriate hospital stays.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.12 RCW to read as follows:

(1) Within existing resources, the department shall track and monitor the following items and make the deidentified information available to the office of the developmental disabilities ombuds created in RCW 43.382.005, the legislature,

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the Washington state hospital association, and the public upon request:

(a) Information about clients receiving services from a provider that are taken to a hospital. This includes:

(i) The number of clients that are taken to a hospital without a medical need;

(ii) The number of clients that are taken to a hospital with a medical need, but are unable to discharge once the medical need is met;

(iii) Each client's length of hospital stay for nonmedical purposes;

(iv) The reason each client was unable to be discharged from a hospital once the client's medical need was met;

(v) The location, including the type of provider, where each client was before being taken to a hospital; and

(vi) The location where each client is discharged.

(b) Information about clients that are taken to a hospital once their provider terminates services. This includes:

(i) The number of clients that are taken to a hospital without a medical need;

(ii) The number of clients that are taken to a hospital with a medical need, but are unable to discharge once the medical need is met;

(iii) Each client's length of hospital stay for nonmedical purposes;

(iv) The reason each client was unable to be discharged from a hospital once the client's medical need was met;

(v) For each client, the reason the provider terminated services;

(vi) The location, including the type of provider, where each client was before being taken to a hospital; and

(vii) The location where each client is discharged.

(2) A provider must notify the department when a client is taken to a hospital so that the department may track and collect data as required under subsection (1) of this section.

(3) A provider must notify the department before terminating services on the basis that the provider is unable to manage the client's care. Prior to a provider terminating services to a client because the provider is unable to manage the client's care, and subject to the availability of amounts appropriated for this specific purpose, the department shall offer crisis stabilization services to support the provider and the client in the client's current setting.

(4) In the event that the provider is unable to manage the client's care after crisis stabilization services are offered, the provider may terminate services and, subject to the availability of amounts appropriated for this specific purpose, the department shall:

(a) Transition the client to another provider that meets the client's needs and preferences; or

(b) Transition the client to a residential habilitation center for crisis stabilization services until an alternative provider is determined.

(5)(a) The department shall be responsible for frequently and appropriately communicating with a hospital that is caring for a client without a medical need, and providing frequent updates on transitioning the client to a more appropriate setting.

(b) The department shall coordinate providing psychological and habilitative services to clients who are being cared for at a hospital without a medical need.

(c) Subject to the availability of amounts appropriated for this specific purpose, the department shall coordinate with the appropriate state agencies to reimburse any hospital that provides care for:

(i) A client without a medical need that is receiving services from a provider; or

(ii) A client without a medical need that is taken to the hospital once their provider terminated services.

(6) This section may not be construed to create a private right of action.

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

(a) "Administration" means the developmental disabilities administration of the department of social and health services.

(b) "Crisis stabilization services" has the same meaning as defined in RCW 71A.10.020.

(c) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW.

(d) "Provider" means a certified residential services and support program that contracts with the administration to provide services to administration clients. "Provider" also includes the state-operated living alternatives program operated by the administration.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "adding a new section to chapter 71A.12 RCW; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the adoption of striking amendment no. 195 by Senators Braun and Keiser to Second Substitute Senate Bill No. 5483.

The motion by Senator Braun carried and striking amendment no. 195 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5483.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5483 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5483, 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. 5536, by Senators Braun, Keiser, Darneille and Honeyford

Concerning intermediate care facilities for individuals with intellectual disability.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5536 was substituted for Senate Bill No. 5536 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment no. 324 by Senator Keiser be adopted:

On page 3, line 21, after "and" insert "may be"

On page 5, line 1, after "and" strike "every ninety days" a insert "quarterly"

On page 5, after line 13, insert the following:

"(4) The department shall develop a plan to preserve support living and expand state-operated living alternatives to ensure residents of residential habilitation centers can transition to the settings when necessary."

Senators Keiser, Braun and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 324 by Senator Keiser on page 3, line 21 to Substitute Senate Bill No. 5536.

The motion by Senator Keiser carried and amendment no. 324 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Cleveland 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. 5536.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, 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. 5846, by Senators Saldaña, Hasegawa, Randall, Nguyen, Wilson, C., Keiser, Das, Cleveland and Dhingra

Concerning the integration of international medical graduates into Washington's health care delivery system.

MOTIONS

On motion of Senator Saldaña, Second Substitute Senate Bill No. 5846 was substituted for Senate Bill No. 5846 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Second Substitute Senate Bill No. 5846 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, O'Ban, Hasegawa, Becker, Randall and King spoke in favor of passage of the bill.

Senator Brown spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5846.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5846 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Bailey, Brown, Holy and Short

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "I understand that you are one of twenty-four American selected as a young global leader by the World Economic Forum and I just stand to congratulate you."

President Habib: "Oh, thank you. That's always in order. Thank you so mu- Oh, that's. Thank you Senator Brown. that's very kind of you. Thank you. Thank you. Oh geez. All right. Thank you, thank you. Thank you. Thank you Senator Brown, thank you so much."

The senate rose and recognized Lt. Governor Habib on the occasion of his selecting as a Young Global Leader by the World Economic Forum. Created in 2004, the 2019 class of the Forum for Young Global Leaders is comprised of 127 members from across the globe representing a variety of backgrounds.

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MOTION

At 10:33 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

The Senate was called to order at 11:39 a.m. by President Habib.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5954.

SECOND READING

SENATE BILL NO. 5274, by Senators Hasegawa, Hunt, Wilson, C., Billig, Nguyen, Conway, Das, Frockt, Keiser, Randall and Saldaña

Concerning dental coverage for Pacific islanders residing in Washington.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following amendment no. 327 by Senator Hasegawa be adopted:

On page 3, after line 19, insert the following:

"Sec. 3. RCW 43.71A.020 and 2018 c 161 s 3 are each amended to read as follows:

(1) An individual is eligible for the COFA premium assistance program if the individual:

- (a) Is a resident;
- (b) Is a COFA citizen;
- (c) Enrolls in a silver qualified health plan;
- (d) Has income that is less than one hundred thirty-three percent of the federal poverty level; and

(e) Is ineligible for a federal or state medical assistance program administered by the authority under chapter 74.09 RCW.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall pay the premium cost for a qualified health plan and the out-of-pocket costs for the coverage provided by the plan for an individual who is eligible for the premium assistance program under subsection (1) of this section.

(3) The authority may disqualify a participant from the program if the participant:

- (a) No longer meets the eligibility criteria in subsection (1) of this section;
- (b) Fails, without good cause, to comply with procedural or documentation requirements established by the authority in accordance with subsection (4) of this section;
- (c) Fails, without good cause, to notify the authority of a change of address in a timely manner;
- (d) Withdraws the participant's application or requests termination of coverage; or

(e) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(4) The authority shall establish:

- (a) Application, enrollment, and renewal processes for the COFA premium assistance program;
- (b) The qualified health plans that are eligible for reimbursement under the program;
- (c) Procedural requirements for continued participation in the program, including participant documentation requirements that are necessary for the authority to administer the program; and

(d) Open enrollment periods and special enrollment periods consistent with the enrollment periods for the health ((insurance health benefit)) benefit exchange(;- and

~~(e) A comprehensive community education and outreach campaign, working with stakeholder and community organizations, to facilitate applications for, and enrollment in, the program. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach program shall provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, benefit utilization, and patient responsibilities.~~

~~(5) The community education and outreach campaign conducted by the authority must begin no later than September 1, 2018).~~

~~((6))~~ (5) The first open enrollment period for the COFA premium assistance program must begin no later than November 1, 2018.

NEW SECTION. Sec. 4. A new section is added to chapter 43.71A RCW to read as follows:

The authority, in consultation with the Washington state commission on Asian Pacific American affairs, shall establish an annual comprehensive community education and outreach program to COFA citizens, including contracting with a Washington organization that has multilingual language capacity, and working with stakeholder and community organizations, to facilitate applications for, and enrollment in, the COFA premium assistance and dental care programs. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach program shall provide culturally and linguistically accessible information to facilitate participation in the programs, including but not limited to enrollment procedures, benefit utilization, and patient responsibilities."

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

On page 4, line 19, after "periods" insert "consistent with the enrollment periods for the health benefit exchange"

On page 4, beginning on line 20, after "(5)" strike all material through "(6)" on line 31

On page 4, line 32, after "November 1," strike "2019" and insert "2020"

On page 1, line 2 of the title, after "43.71A.010" strike "and 43.71A.800; adding a new section to chapter 43.71A RCW" and insert ", 43.71A.020, and 43.71A.800; adding new sections to chapter 43.71A RCW"

Senator Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 327 by Senator Hasegawa on page 3, after line 19 to Senate Bill No. 5274.

The motion by Senator Hasegawa carried and amendment no. 327 was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, Brown, Saldaña, King and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Salomon

Excused: Senator Ericksen

ENGROSSED SENATE BILL NO. 5274, 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. 5741, by Senators Keiser, Rivers, Frockt and Mullet

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

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5741 was substituted for Senate Bill No. 5741 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following amendment no. 394 by Senators Rolfes and Becker be adopted:

On page 4, line 5, after "delivery." insert "Any claims data collected in the all-payer health care claims database is owned by the state."

On page 4, line 8, after "organization" strike "~~((from among the best potential bidders))~~" and insert "from among the best potential bidders"

On page 4, line 10, after "(a)" insert "(i) In conducting the competitive procurement, the authority must ensure that no state

officer or state employee participating in the procurement process:

(A) Has a current relationship or had a relationship within the last three years with any organization that bids on the procurement that would constitute a conflict with the proper discharge of official duties under chapter 42.52 RCW; or

(B) Is a compensated or uncompensated member of a bidding organization's board of directors, advisory committee, or similar group within an organization, or has held such a position in the past three years.

(ii) If any relationship or interest described in (a)(i) of this subsection is discovered during the procurement process, the officer or employee with the prohibited relationship must withdraw from involvement in the procurement process.

(b)"

On page 4, beginning on line 19, after "reports" strike ", especially among groups of health providers, carriers, and self-insured purchasers in the state"

On page 4, beginning on line 24, after "data" strike ", especially among groups of health providers, carriers, and self-insured purchasers"

On page 4, at the beginning of line 26 strike "(b) ((By December 31, 2017;))" and insert "((b) By December 31, 2017;)) (c)"

On page 7, after line 19, insert the following:

"(4) The state retains the ownership over all claims data submitted to the database pursuant to this section. No contract with the lead organization may transfer ownership of data from the state to the lead organization or the data vendor."

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

The President declared the question before the Senate to be the adoption of amendment no. 394 by Senators Rolfes and Becker on page 4, line 5 to Substitute Senate Bill No. 5741.

The motion by Senator Rolfes carried and amendment no. 394 was adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 395 by Senators Becker and Rolfes be adopted:

On page 11, line 30, after "information;" strike "or" and insert "~~((or))~~"

On page 11, line 33, after "providers" insert "; or

(d) Contain medicaid data that is in direct conflict with the biannual medicaid forecast"

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

The President declared the question before the Senate to be the adoption of amendment no. 395 by Senators Becker and Rolfes on page 11, line 30 to Substitute Senate Bill No. 5741.

The motion by Senator Becker carried and amendment no. 395 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following amendment no. 250 by Senators O'Ban and Cleveland be adopted:

On page 13, line 34, after "agencies" insert "and other data users"

On page 14, line 1, after "database" insert ", including accountable communities of health"

On page 14, after line 32, insert the following:

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"NEW SECTION. Sec. 10. A new section is added to chapter 43.371 RCW to read as follows:

The lead organization and the authority shall provide any persons or entities that have a signed data use agreement with the lead organization in effect on June 1, 2019, with the option to extend the data use agreement through June 30, 2020. Any person or entity that chooses to extend its data use agreement through June 30, 2020, may not be charged any fees in excess of the fees in the data use agreement in effect on June 1, 2019."

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

On page 1, line 11 of the title, after "adding" strike "a new section" and insert "new sections"

Senator O'Ban spoke in favor of adoption of the amendment. The President declared the question before the Senate to be the adoption of amendment no. 250 by Senators O'Ban and Cleveland on page 13, line 34 to Substitute Senate Bill No. 5741. The motion by Senator O'Ban carried and amendment no. 250 was adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 396 by Senators Becker and Rolfes be adopted:
On page 13, line 34, after "the" strike "authority" and insert "office"
On page 14, line 2, after "the" strike "authority" and insert "office"

Senators Becker and Rolfes spoke in favor of adoption of the amendment. The President declared the question before the Senate to be the adoption of amendment no. 396 by Senators Becker and Rolfes on page 13, line 34 to Substitute Senate Bill No. 5741. The motion by Senator Becker carried and amendment no. 396 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Keiser, Becker, Cleveland, Conway and Rolfes spoke in favor of passage of the bill.

MOTION

On motion of Senator Wilson, C., Senator Salomon was excused. The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5741.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5741 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1. Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes,

Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Padden
Excused: Senator Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5741, 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

Pursuant to Rule 18, on motion of Senator Liias and without objection, Senate Bill No. 5822 was made a special order of business to be considered at 4:55 p.m.

SECOND READING

SENATE BILL NO. 5415, by Senators McCoy, Rivers, Cleveland, Saldaña, Van De Wege, Billig, Conway, Frockt, Kuderer, Nguyen and Rolfes

Creating the Washington Indian health improvement act.
The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 5415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators McCoy and O'Ban 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. 5415.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5415 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1. Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger
Excused: Senator Salomon

SENATE BILL NO. 5415, 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. 5523, by Senators Braun, Rivers and Frockt
Improving managed care organization performance in caring for medicaid clients.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5523 was substituted for Senate Bill No. 5523 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following striking amendment no. 400 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the state of Washington has substantial public interest in the quality, price, and cost of health care, and ensuring that managed care organizations are delivering quality health care. Oversight of performance management of managed care organizations providing health care services to medicaid clients contracted by the health care authority is necessary in order to provide accountability for state purchased health care.

(2) The legislature further finds that health care costs are rising, and that containing health care costs while ensuring positive health outcomes, appropriate performance management, and accountability for dollars spent on state purchased health care is essential. The legislature must hold both the health care authority and the managed care organizations that provide services to medicaid clients accountable for performance and performance improvement.

(3) The legislature therefore intends to ensure medicaid clients receive appropriate care in the right setting, at the right time, for the right cost, by providing appropriate oversight for performance management and accountability for state purchased health care.

Sec. 2. RCW 74.09.605 and 2013 c 320 s 7 are each amended to read as follows:

(1) The authority shall incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients under this chapter.

(2)(a) The authority shall contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in three common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional four quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the total measures the managed care organizations are required to report;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the three common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, and every three years thereafter, the

authority shall set four quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(3)(a) Beginning in plan year 2020, three percent of the total plan year funding appropriated to each managed care organization that provides services to clients under this chapter shall be withheld. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top quartile of the performance measures.

(b) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top quartile scoring by a managed care organization.

(c) For no more than two of the four quality focus performance measures in the first three years under this act, the authority may use an alternate methodology to approximate top quartile performance where top quartile performance data is unavailable.

(4) For the purposes of this section, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning January 1, 2020, and annually thereafter, each managed care organization that provides services to clients under this chapter shall report the following information, by age and gender, where appropriate, reflective of the prior plan year, to the authority:

(a) The number of clients enrolled with the managed care organization;

(b) The number and percentage of clients who received an annual preventative screening;

(c) The number and percentage of clients who received childhood immunizations, according to standard immunization recommendations;

(d) The number and percentage of clients over the age of seventeen who received immunizations, according to standard immunization recommendations; and

(e) The number and percentage of male clients who received a prostate cancer screening.

(2) By January 1, 2020, each managed care organization that provides services to clients under this chapter shall report the following information to the authority, where available, for the managed care organization's overall book of business for Washington state, for the three plan years prior to contracting with the authority for managed care, by age and gender:

(a) The number and percentage of clients who received childhood immunizations, according to standard immunization recommendations; and

(b) The number and percentage of clients over the age of seventeen who received immunizations, according to standard immunization recommendations."

On page 1, line 2 of the title, after "clients;" strike the remainder of the title and insert "amending RCW 74.09.605; adding a new section to chapter 74.09 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking amendment no. 400 by Senator Braun to Substitute Senate Bill No. 5523.

The motion by Senator Braun carried and striking amendment no. 400 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Liias, Conway and Cleveland 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. 5523.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5523, 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. 5385, by Senators Becker, Cleveland, Braun, O'Ban, Wilson, L., Brown, Warnick, Zeiger, Bailey and Van De Wege

Concerning telemedicine payment parity.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5385 was substituted for Senate Bill No. 5385 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Mullet spoke against passage of the bill.

Senator Warnick spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Hasegawa and Mullet

Excused: Senator Salomon

SUBSTITUTE SENATE BILL NO. 5385, 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. 5828, by Senators Cleveland, Rivers, Kuderer and Nguyen

Concerning the medicaid home health reimbursement rate for medical assistance clients.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5828.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:39 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of lunch.

 AFTERNOON SESSION

The Senate was called to order at 2:11 p.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that William Downing, Senate Gubernatorial Appointment No. 9135, be confirmed as a member of the Public Disclosure Commission.

Senators Hunt, Pedersen and O'Ban spoke in favor of passage of the motion.

APPOINTMENT OF WILLIAM DOWNING

The President declared the question before the Senate to be the confirmation of William Downing, Senate Gubernatorial Appointment No. 9135, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of William Downing, Senate Gubernatorial Appointment No. 9135, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

William Downing, Senate Gubernatorial Appointment No. 9135, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Ly, Kathleena, Senate Gubernatorial Appointment No. 9180, be confirmed as a member of The Evergreen State College Board of Trustees.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF KATHLEENA LY

The President declared the question before the Senate to be the confirmation of Kathleena Ly, Senate Gubernatorial Appointment No. 9180, as a member of The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Kathleena

Ly, Senate Gubernatorial Appointment No. 9180, as a member of The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

Kathleena Ly, Senate Gubernatorial Appointment No. 9180, having received the constitutional majority was declared confirmed as a member of The Evergreen State College Board of Trustees.

MOTION

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

MESSAGE FROM THE HOUSE

March 12, 2019

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1079,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
 SUBSTITUTE HOUSE BILL NO. 1095,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1105,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1110,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325,
 SUBSTITUTE HOUSE BILL NO. 1436,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,
 ENGROSSED HOUSE BILL NO. 1465,
 SUBSTITUTE HOUSE BILL NO. 1512,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1582,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1660,
 SUBSTITUTE HOUSE BILL NO. 1661,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1772,
 SECOND SUBSTITUTE HOUSE BILL NO. 1776,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849,
 SUBSTITUTE HOUSE BILL NO. 1917,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1994,
 SUBSTITUTE HOUSE BILL NO. 2024,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5184, by Senators Kuderer, Cleveland and Darneille

FIFTY NINTH DAY, MARCH 13, 2019

2019 REGULAR SESSION

Concerning prescription coverage and the use of nonresident pharmacies. Revised for 1st Substitute: Concerning prescription coverage and the use of mail order services.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5184 was substituted for Senate Bill No. 5184 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O’Ban moved that the following amendment no. 404 by Senator O’Ban be adopted:

On page 1, beginning on line 10, after "must" strike all material through "year" on line 17 and insert "provide information in the enrollee health plan booklet that clearly describes the pharmacy benefit coverage and the use of nonresident pharmacies to fill certain prescriptions, and includes contact information for receiving more information about the options available for filling prescriptions. The booklet must be available upon enrollment and at the request of the enrollee"

On page 1, beginning on line 18, strike all of subsection (3), and insert "(3) Each enrollee must be provided information by the health carrier or pharmacy benefit manager or its agents clearly describing the rights that the enrollee has available to him or her regarding use of a nonresident pharmacy."

On page 2, beginning on line 1, strike all of subsection (4)

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

On page 2, line 7, after "purchase" insert "all of his or her"

Senators O’Ban and Mullet spoke in favor of adoption of the amendment.

Senators Kuderer, Rivers and Cleveland spoke against adoption of the amendment.

The President, being in doubt as to whether a voice vote would reveal the will of the assembly, “preemptively” called for a division of the house on the question of the adoption of amendment no. 404 by Senator O’Ban.

POINT OF ORDER

Senator Schoesler: “Thank you Mr. President. I am a little bit confused. Under what rule are you doing this from the rostrum?”

President Habib: “The President feels that I will not be able, sufficiently, to determine, based on a voice vote and so I’m going to divide the house here and ask that member...”

Senator Schoesler: “Under what rule do you cite you can do that?”

President Habib: “So, Senator Schoesler, there’s no rule preventing me from doing it but if you’re concerned about it we can take the vote and I will then immediately call for a division.”

Senator Schoesler: “Mr. President, under what rule can you call for a division from the rostrum?”

President Habib: “If I am uncertain as to the outcome of the vote, Senator Schoesler, that’s how we do things here. That’s how we make sure that the prevailing side wins.”

Senator Schoesler: “Mr. President, we would be more than happy to call for a division.”

President Habib: “Senator Schoesler, do you have another point of inquiry?”

The President declared the question before the Senate to be the adoption of amendment no. 404 by Senator O’Ban on page 1, line 10 to Substitute Senate Bill No. 5184.

The motion by Senator O’Ban did not carry and amendment no. 404 was not adopted by a rising vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Rivers, Conway, Short and Keiser spoke in favor of passage of the bill.

Senators O’Ban, Mullet and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5184.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Sheldon, Short, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Bailey, Becker, Brown, Carlyle, Ericksen, Fortunato, Hawkins, Hobbs, Honeyford, King, Mullet, O’Ban, Padden, Palumbo, Schoesler, Takko, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senator Salomon

SUBSTITUTE SENATE BILL NO. 5184, 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. 5389, by Senators Becker, Cleveland, Bailey, Wilson, L., Brown, Walsh and Warnick

Establishing a telehealth training and treatment program to assist youth.

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 5389 was substituted for Senate Bill No. 5389 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dhingra moved that the following amendment no. 163 by Senator Dhingra be adopted:

On page 4, beginning on line 9, strike all of subsection (6)
Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Dhingra and Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 163 by Senator Dhingra on page 4, line 9 to Substitute Senate Bill No. 5389.

The motion by Senator Dhingra carried and amendment no. 163 was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Dhingra and Rolfes spoke in favor of passage of the bill.

MOTION

On motion of Senator Braun, Senator Rivers was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Hasegawa and Mullet

Excused: Senators Rivers and Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:59 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucuses.

The Senate was called to order at 3:36 p.m. by President Habib.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Dwayne Johnson, Senate Gubernatorial Appointment No. 9083, be confirmed as a member of the Peninsula College Board of Trustees.

Senator Van De Wege spoke in favor of the motion.

APPOINTMENT OF DWAYNE JOHNSON

The President declared the question before the Senate to be the confirmation of Dwayne Johnson, Senate Gubernatorial Appointment No. 9083, as a member of the Peninsula College Board of Trustees.

The Secretary called the roll on the confirmation of Dwayne Johnson, Senate Gubernatorial Appointment No. 9083, as a member of the Peninsula College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Dwayne Johnson, Senate Gubernatorial Appointment No. 9083, having received the constitutional majority was declared confirmed as a member of the Peninsula College Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 5288, by Senator Darneille

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

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pedersen moved that the following amendment no. 355 by Senator Pedersen be adopted:

On page 1, line 1 of the title, after "Relating to" strike "persistent offenders" and insert "removing robbery in the second degree from the list of offenses that qualify an individual as a persistent offender"

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 355 by Senator Pedersen on page 1,

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line 1 to Substitute Senate Bill No. 5288.

The motion by Senator Pedersen carried and amendment no. 355 was adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 161 by Senator Padden be adopted:

Beginning on page 15, line 17, strike all of section 2

On page 1, line 1 of the title, after "offenders;" insert "and"

On page 1, beginning on line 1 of the title, after "9.94A.030" strike all material through "date" on line 3

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

The President declared the question before the Senate to be the adoption of amendment no. 161 by Senator Padden on page 15, line 17 to Substitute Senate Bill No. 5288.

The motion by Senator Padden carried and amendment no. 161 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, amendment no. 242 by Senator Padden on page 15, line 21 to Substitute Senate Bill No. 5288 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, amendment no. 241 by Senator Padden on page 15, line 21 to Substitute Senate Bill No. 5288 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, amendment no. 243 by Senator Padden on page 16, line 1 to Substitute Senate Bill No. 5288 was withdrawn.

MOTION

Senator Holy moved that the following amendment no. 410 by Senator Holy be adopted:

On page 16, line 1, after "(3)", insert the following: "The sentencing court may not grant the motion until the department of corrections submits to the legislature the report described in section 3 of this act."

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

On page 16, after line 1, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) By December 2, 2019, and in compliance with RCW 43.01.036, the department of corrections must submit a report to the legislature that details the number of offenders eligible for a resentencing hearing under section 2 of this act that have participated in any offender treatment or change program. The report must provide information on:

(a) The number and type of programs in which the offender participated;

(b) The number and type of programs the offender completed; and

(c) If the offender failed to complete such a program, the number and type of programs the offender failed to complete and the reason for the failure.

On page 1, line 2 of the title, after "adding", strike "a new section", and insert "new sections"

Senator Holy spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Liias: "In Senator Padden's amendment we struck all of section two which this one purports to amend, so I was just asking how we can amend language that has been stricken from the bill?"

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, amendment no. 410 by Senator Holy on page 16, line 1 to Substitute Senate Bill No. 5288 was withdrawn.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Schoesler, Padden, Holy and Wagoner 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. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, 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. 5054, by Senators O'Ban, Brown, Conway, Wilson, L., Zeiger, Short, Van De Wege and Wagoner

Increasing the behavioral health workforce by establishing a reciprocity program to increase the portability of behavioral health licenses and certifications.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Randall and without objection, amendment no. 405 by Senator Randall on page 1, line 16 to Senate Bill No. 5054 was withdrawn.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Cleveland, King and Randall 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. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5054, 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.

POINT OF ORDER

Senator Short: "I move that the Senate immediately consider Senate Bill No. 5299 and I demand a roll call on the motion."

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Short, Padden and Schoesler spoke in favor of adoption of the motion.

Senator Liias spoke against adoption of the motion.

The President declared the question before the Senate to be the adoption of the motion by Senator Short that the senate immediately consider Senate Bill No. 5299.

The Secretary called the roll on the motion by Senator Short on immediate consideration of Senate Bill No. 5299 and the motion did not carry by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, 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, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

SECOND READING

SENATE BILL NO. 5526, by Senators Frockt, Cleveland, Kuderer, Randall, Keiser, Dhingra, Conway, Wellman, Darneille, Hunt, Hobbs, Das, Liias, Nguyen, Pedersen, Rolfes, Saldaña and Van De Wege

Increasing the availability of quality, affordable health coverage in the individual market.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5526 was substituted for Senate Bill No. 5526 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following striking amendment no. 398 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.71 RCW to read as follows:

(1) The exchange, in consultation with the commissioner, the authority, an independent actuary, and other stakeholders, must establish up to three standardized health plans for each of the bronze, silver, and gold levels.

(a) The standardized health plans must be designed to reduce deductibles, make more services available before the deductible, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, and encourage choice based on value, while limiting increases in health plan premium rates.

(b) The exchange may update the standardized health plans annually.

(c) The exchange must provide a notice and public comment period before finalizing each year's standardized health plans.

(d) The exchange must provide written notice of the standardized health plans to licensed health carriers by January 31st before the year in which the health plans are to be offered on the exchange.

(2)(a) Beginning January 1, 2021, any health carrier offering a qualified health plan on the exchange must offer one silver standardized health plan and one gold standardized health plan on the exchange. If a health carrier offers a bronze health plan on the exchange, it must offer one bronze standardized health plan on the exchange.

(b)(i) A health plan offering a standardized health plan under this section may also offer nonstandardized health plans on the exchange.

(ii) The exchange and the office of the insurance commissioner shall analyze the impact to exchange consumers of offering only standard plans beginning in 2025 and submit a report to the appropriate committees of the legislature by December 1, 2023. The report must include an analysis of how plan choice and affordability will be impacted for exchange consumers across the state.

(iii) The actuarial value of nonstandardized silver health plans offered on the exchange may not be less than the actuarial value of the standardized silver health plan with the lowest actuarial value.

(c) A health carrier offering a standardized health plan on the exchange under this section must continue to meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy.

NEW SECTION. Sec. 2. A new section is added to chapter 42.56 RCW to read as follows:

Any data submitted by health carriers to the health benefit exchange for purposes of establishing standardized benefit plans

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under section 1 of this act are confidential and exempt from disclosure under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority, in consultation with the health benefit exchange, must contract with one or more health carriers to offer silver and gold qualified health plans on the Washington health benefit exchange for plan years beginning in 2021. A qualified health plan offered under this section must meet the following criteria:

(a) The qualified health plan must be a standardized health plan established under section 1 of this act;

(b) The qualified health plan must meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy;

(c) The qualified health plan must incorporate recommendations of the Robert Bree collaborative and the health technology assessment program;

(d) The qualified health plan may use a managed care model that includes care coordination care management to enrollees as appropriate;

(e) The qualified health plan must meet additional participation requirements to reduce barriers to maintaining and improving health and align to state agency value-based purchasing. These requirements may include, but are not limited to, standards for population health management; high-value, proven care; health equity; primary care; care coordination and chronic disease management; wellness and prevention; prevention of wasteful and harmful care; and patient engagement;

(f) To reduce administrative burden and increase transparency, the qualified health plan's utilization review processes must:

(i) Be focused on care that has high variation, high cost, or low evidence of clinical effectiveness;

(ii) Meet national accreditation standards; and

(iii) Align with published criteria published by the authority; and

(g) For services provided by rural hospitals certified by the centers for medicare and medicaid services as critical access hospitals or sole community hospitals, the rates may not be less than one hundred one percent of allowable costs.

(2) The director, after consultation with the health benefit exchange, shall conduct procurement negotiations with health carriers and selectively contract with a health carrier or carriers to offer a qualified health plan or plans that offer the optimal combination of choice, affordability, quality, and service. The goal of the procurement conducted under this section is to have health carriers contracting with the authority under this section offering at least one qualified health plan in every county in the state. The director shall consider the rates, utilization management policies, pharmaceutical costs, and other factors proposed by the carrier or carriers, with the goal of negotiating for qualified health plans that reduce premiums below the average premiums for qualified health plans in the same metal tier in Washington during plan year 2019.

(3) Nothing in this section prohibits a health carrier offering qualified health plans under this section from offering other health plans in the individual market.

NEW SECTION. Sec. 4. (1) The Washington health benefit exchange, in consultation with the health care authority and the insurance commissioner, must develop a plan to implement and fund premium subsidies for individuals whose modified adjusted gross incomes are less than five hundred percent of the federal poverty level and who are purchasing individual market coverage

on the exchange. The goal of the plan is to enable participating individuals to spend no more than ten percent of their modified adjusted gross incomes on premiums. The plan must also include an assessment of providing cost-sharing reductions to plan participants.

(2) The Washington health benefit exchange must submit the plan, along with proposed implementing legislation, to the appropriate committees of the legislature by November 15, 2020.

(3) This section expires January 1, 2021.

NEW SECTION. Sec. 5. A new section is added to chapter 48.43 RCW to read as follows:

The commissioner shall submit an annual report to the appropriate committees of the legislature on the number of health plans available per county in the individual market."

On page 1, line 2 of the title, after "market;" strike the remainder of the title and insert "adding a new section to chapter 43.71 RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; creating a new section; and providing an expiration date."

MOTION

Senator Becker moved that the following amendment no. 402 by Senator Becker be adopted:

Beginning on page 1, line 3, strike all of sections 1 through 4 and insert the following:

"**Sec. 1.** RCW 48.43.028 and 2001 c 196 s 10 are each amended to read as follows:

(1) To the extent required of the federal health insurance portability and accountability act of 1996, the eligibility of an employer or group to purchase a health benefit plan set forth in RCW 48.21.045(1)(b), 48.44.023(1)(b), and 48.46.066(1)(b) must be extended to all small employers and small groups as defined in RCW 48.43.005.

(2) To the extent permitted under federal law, the eligibility of individuals to purchase an association health plan must be extended to all individuals, including employees of small employers and sole proprietors."

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

On page 4, line 17, after "insert" strike all material through "date." on line 20 and insert "amending RCW 48.43.028; and adding a new section to chapter 48.43 RCW."

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

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

The President declared the question before the Senate to be the adoption of amendment no. 402 by Senator Becker on page 1, line 3 to striking amendment no. 398.

The motion by Senator Becker did not carry and amendment no. 402 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 403 by Senator Becker be adopted:

Beginning on page 1, line 3, strike all of sections 1, 2, and 3
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, beginning on line 36, after "**Sec. 4.**" strike all

material through "the" on line 37 and insert "The"

On page 3, line 38, after "commissioner" strike ", must" and insert "shall apply to the federal government for a state innovation waiver under 42 U.S.C. Sec. 18052, to"

Beginning on page 3, line 38, after "plan" strike all material through "2021" on page 4, line 10 and insert "to improve the affordability of health insurance for Washingtonians"

Beginning on page 4, line 11, strike all of section 5

On page 4, beginning on line 17, after "insert" strike all material through "date" on line 20 and insert "and creating a new section"

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

Senators Frockt and Cleveland spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 403 by Senator Becker on page 1, line 3 to striking amendment no. 398.

The motion by Senator Becker did not carry and amendment no. 403 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following amendment no. 399 by Senator O'Ban be adopted:

On page 1, line 5, after "(1) The" strike all material through "commissioner" and insert "commissioner, in consultation with the exchange"

On page 1, line 15, after "(b) The" strike "exchange" and insert "commissioner"

On page 1, line 17, after "(c) The" strike "exchange" and insert "commissioner"

On page 1, line 19, after "(d) The" strike "exchange" and insert "commissioner"

On page 2, beginning on line 15, after "to the" strike "health benefit exchange" and insert "commissioner"

Senator O'Ban spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 399 by Senator O'Ban on page 1, line 5 to striking amendment no. 398.

The motion by Senator O'Ban did not carry and amendment no. 399 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following amendment no. 406 by Senator O'Ban be adopted:

On page 1, line 19, after "(d)" insert "By January 1st before the year in which the health plans are to be offered on the exchange, the commissioner shall review the standardized health plan designs and provide written comments to the exchange and the chairs of the health care committees of the state senate and house of representatives."

Senators O'Ban and Frockt 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 amendment no. 406 by Senator O'Ban on page 1, line 19 to floor striking amendment no. 398.

The motion by Senator O'Ban carried and amendment no. 406

was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 398 by Senator Frockt, as amended, to Substitute Senate Bill No. 5526.

The motion by Senator Frockt carried and striking amendment no. 398, as amended, was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, O'Ban, Cleveland, King, Keiser, Sheldon, Randall, Das and Lovelett 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. 5526.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5526 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

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

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5526, 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.

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President called the senate to order and announced Senate Bill No. 5822 to be before the Senate and the bill was immediately considered.

SECOND READING

SENATE BILL NO. 5822, by Senators Randall, Frockt, Cleveland, Wilson, C., Salomon, Nguyen, Hasegawa, Keiser, Saldaña, Van De Wege, Liias, Das, Darneille, Dhingra and Kuderer

Providing a pathway to establish a universal health care system for the residents of Washington state.

MOTION

On motion of Senator Liias, Second Substitute Senate Bill No. 5822 was substituted for Senate Bill No. 5822 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 392 by Senator O'Ban be adopted:

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On page 2, line 37, after "that" insert "preserves the private employer insurance market and protects an individual's right to keep an employer-provided insurance plan, and"

Senators O'Ban and Short spoke in favor of adoption of the amendment.

Senators Randall and Cleveland 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.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 2, line 37 to Second Substitute Senate Bill No. 5822.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, 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, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C. .

MOTION

Senator O'Ban moved that the following amendment no. 407 by Senator O'Ban be adopted:

On page 3, line 28, after "(3)" insert "The work group must study the number of individuals traveling from Canada to the United States to receive health care, and the number of individuals traveling from the United States to Canada to receive health care. This includes:

- (a) The health care services each individual is seeking; and
- (b) Each individual's reason for declining health care services in their native country.

(4)"

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

Senators O'Ban, Schoesler, Ericksen, Becker and Warnick spoke in favor of adoption of the amendment.

Senators Randall, Frockt, Liias and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 407 by Senator O'Ban on page 3, line 28 to Second Substitute Senate Bill No. 5822.

The motion by Senator O'Ban did not carry and amendment no. 407 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 408 by Senator Fortunato be adopted:

On page 3, line 28, after "(3)" insert "The work group must study Cuba's health care system.

(4)"

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

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 408 by Senator Fortunato on page 3, line 28 to Second Substitute Senate Bill No. 5822.

The motion by Senator Fortunato did not carry and amendment no. 408 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 409 by Senator Ericksen be adopted:

On page 3, line 28, after "(3)" insert "The work group must study Venezuela's health care system.

(4)"

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

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 409 by Senator Ericksen on page 3, line 28 to Second Substitute Senate Bill No. 5822.

The motion by Senator Ericksen did not carry and amendment no. 409 was not adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Second Substitute Senate Bill No. 5822 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Wilson, C., Frockt, Cleveland, Conway, Saldaña, Kuderer and Hasegawa spoke in favor of passage of the bill.

Senators O'Ban, Ericksen and Fortunato spoke against passage of the bill.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5822.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5822 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SECOND SUBSTITUTE SENATE BILL NO. 5822, 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 Becker announced a group photograph at the rostrum after adjournment for the day in celebration of "On Wednesdays we were pink" day to raise awareness of breast cancer and testicular cancer and in solidarity with Senator Linda Wilson. All were invited to participate and throw pink paper with Senator Linda Wilson.

MOTION

At 6:09 p.m., on motion of Senator Liias, the Senate adjourned until 12 o'clock a.m. Thursday, March 14, 2019.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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Introduction & 1st Reading.....		1
1079	Messages	12
1092	Messages	12
Introduction & 1st Reading.....		1
1094-SE	Messages	12
1095-S	Messages	12
1100-S	Messages	12
Introduction & 1st Reading.....		1
1105-S2E	Messages	12
1110-S2E	Messages	12
1126-E	Messages	12
Introduction & 1st Reading.....		1
1158-S	Messages	12
Introduction & 1st Reading.....		1
1301	Messages	12
Introduction & 1st Reading.....		2
1325-SE	Messages	12
1423	Messages	12
Introduction & 1st Reading.....		2
1436-S	Messages	12
1450-SE	Messages	12
1465-E	Messages	12
1512-S	Messages	12
1537	Messages	12
Introduction & 1st Reading.....		2
1545-S	Messages	12
Introduction & 1st Reading.....		2
1557-SE	Messages	12
Introduction & 1st Reading.....		2
1569-S	Messages	12
Introduction & 1st Reading.....		2
1575-S	Messages	12
Introduction & 1st Reading.....		2
1582-SE	Messages	12
1622-SE	Messages	12
1660-S2E	Messages	12
1661-S	Messages	12
1673	Messages	12
Introduction & 1st Reading.....		2
1706-E	Messages	12
Introduction & 1st Reading.....		2
1725-S2	Messages	12
Introduction & 1st Reading.....		2
1727	Messages	12
Introduction & 1st Reading.....		2
1734-S	Messages	12
Introduction & 1st Reading.....		2
1767-S2	Messages	12
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1768-SE	Messages	12
Other Action.....		1
1772-SE	Messages	12
1776-S2	Messages	12
1839-SE	Messages	12
Introduction & 1st Reading.....		2
1849-SE	Messages	12
1874-S2E	Messages	12
Introduction & 1st Reading.....		3
1880-SE	Messages	12
Introduction & 1st Reading.....		3
1900	Messages	12
Introduction & 1st Reading.....		3
1907-S2	Messages	12
Other Action.....		1
1917-S	Messages	12
1966-SE	Messages	12
1994-SE	Messages	12
2024-S	Messages	12
2033	Messages	12
Introduction & 1st Reading.....		3

2097-SE	5523
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5274	Third Reading Final Passage 18
Second Reading 7	5536
5274-E	Second Reading 6
Third Reading Final Passage 8	5536-S
5288	Second Reading 6
Second Reading 14	5536-SE
5288-S	Third Reading Final Passage 6
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5288-SE	5741-S
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5359	5822
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5389	Third Reading Final Passage 11
Second Reading 13	5846
5389-S	Second Reading 6
Second Reading 13	5846-S2
5389-SE	Second Reading 6
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5415	5954-S
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5483	9069 Gleasman, Phyllis
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5483-S2	9083 Johnson, Dwayne
Second Reading 4	Confirmed 14
5483-S2E	9135 Downing, William
Third Reading Final Passage 5	Confirmed 12

9180 Ly, Kathleena
 Confirmed 12

9244 Schauer, Lisa Keohokalole
 Confirmed 3

CHAPLAIN OF THE DAY
 Laird, Rev. Robert C., Rector, St. John’s
 Episcopal Church, Olympia 1

FLAG BEARERS
 Rodriguez-Flores, Miss Esmerelda 1

Trowbridge, Mr. Asa..... 1

GUESTS
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