

FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 5, 2021

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

A.P. Government students from Lake Washington High School in Kirkland led the Senate in the Pledge of Allegiance. The students were guests of Senator Dhingra.

The prayer was offered by Reverend Pam Brokaw of Oakville and Rochester United Methodist Churches.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

March 4, 2021

HB 1001 Prime Sponsor, Representative Maycumber: Establishing a law enforcement professional development outreach grant program. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Ways & Means.

March 4, 2021

SHB 1088 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning potential impeachment disclosures. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

March 4, 2021

SGA 9247 JOSEPHINE WIGGS-MARTIN, appointed on December 22, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

March 4, 2021

SGA 9256 CHERIE M. HARRIS, appointed on December 30, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MESSAGE FROM THE HOUSE

March 3, 2021

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1033,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1073,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113,
 - HOUSE BILL NO. 1167,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189,
 - SUBSTITUTE HOUSE BILL NO. 1207,
 - SUBSTITUTE HOUSE BILL NO. 1209,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220,
 - SUBSTITUTE HOUSE BILL NO. 1259,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287,
 - SUBSTITUTE HOUSE BILL NO. 1301,
 - SUBSTITUTE HOUSE BILL NO. 1333,
 - SUBSTITUTE HOUSE BILL NO. 1357,
 - SUBSTITUTE HOUSE BILL NO. 1446,
 - ENGROSSED HOUSE BILL NO. 1453,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521,
- and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5472 by Senators Van De Wege, Sheldon, Hasegawa and Nobles

AN ACT Relating to providing support for utility customers impacted by COVID-19 through payment plans, including partial forgiveness of arrearages and a credit against the public utility tax; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Environment, Energy & Technology.

ESHB 1041 by House Committee on State Government & Tribal Relations (originally sponsored by Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen)

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Elections.

HB 1115 by Representatives Fey, Wylie, Bronoske and Ramos

AN ACT Relating to implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions; adding new sections to chapter 46.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

E2SHB 1117 by House Committee on Appropriations (originally sponsored by Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri and Davis)

AN ACT Relating to promoting salmon recovery through revisions to the state's comprehensive planning framework; amending RCW 36.70A.030, 36.70A.020, 36.70A.060, and 90.74.020; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; and creating new sections.

Referred to Committee on Housing & Local Government.

ESHB 1140 by House Committee on Civil Rights & Judiciary (originally sponsored by J. Johnson, Frame, Entenman, Sells, Taylor, Santos, Stonier, Ormsby, Lekanoff, Davis, Hackney, Macri, Callan, Chopp, Pollet, Ryu, Goodman, Berg, Ramos, Bergquist, Gregerson, Wicks, Peterson, Thai, Dolan, Bateman, Simmons, Fitzgibbon and Valdez)

AN ACT Relating to juvenile access to attorneys when contacted by law enforcement; amending RCW 13.40.140, 2.70.020, and 13.40.020; adding a new section to chapter 13.40 RCW; adding a new section to chapter 2.70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 1214 by House Committee on Education (originally sponsored by Senn, J. Johnson, Ramos, Dolan, Lovick, Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame)

AN ACT Relating to the provision of K-12 public school safety and security services by classified staff or contractors; amending RCW 28A.320.124 and 18.170.105; adding new

sections to chapter 28A.320 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.710 RCW; and creating a new section.

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

2SHB 1219 by House Committee on Appropriations (originally sponsored by Frame, J. Johnson, Ramos, Bateman, Peterson, Fitzgibbon, Davis, Ryu, Fey, Senn, Lovick, Chase, Orwall, Taylor, Santos, Thai, Ortiz-Self, Ormsby, Simmons, Slatter, Berg, Chopp, Bergquist, Callan, Valdez, Macri, Goodman, Tharinger, Harris-Talley, Ybarra and Hackney)

AN ACT Relating to the appointment of counsel for youth in dependency court proceedings; amending RCW 13.34.090, 13.34.092, 13.34.100, 2.53.045, and 13.34.267; adding new sections to chapter 2.53 RCW; adding new sections to chapter 13.34 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1269 by House Committee on Transportation (originally sponsored by Kirby, Barkis, Robertson and Chambers)

AN ACT Relating to motor vehicle transporter license plates; amending RCW 46.76.030, 46.76.040, and 46.76.050; reenacting and amending RCW 46.76.060 and 46.76.065; and providing an effective date.

Referred to Committee on Transportation.

SHB 1322 by House Committee on Transportation (originally sponsored by Wylie, Harris, Ortiz-Self and Eslick)

AN ACT Relating to off-road vehicle and snowmobile registration enforcement; amending RCW 46.09.420, 46.09.400, 46.09.410, 46.09.442, 46.93.210, 46.09.495, and 46.10.505; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SHB 1355 by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen and Schmick)

AN ACT Relating to noxious weeds; and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890, 17.04.240, 79.44.003, and 17.04.180.

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

E2SHB 1382 by House Committee on Appropriations (originally sponsored by Tharinger, Dolan, Fitzgibbon, Wylie, Hackney and Callan)

AN ACT Relating to streamlining the environmental permitting process for salmon recovery projects; adding a new section to chapter 77.55 RCW; adding a new section go

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chapter 43.21C RCW; creating new sections; and providing expiration dates.

SECOND READING

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

SENATE BILL NO. 5295, by Senators Carlyle and Short

Transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making.

EHB 1386 by Representatives Wicks, Dolan, Lovick, Sells, Berg and Hackney

MOTIONS

AN ACT Relating to modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas; and amending RCW 84.25.030, 84.25.040, 84.25.080, and 84.25.130.

On motion of Senator Carlyle, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on the second reading and read the second time.

Senator Carlyle moved that the following striking floor amendment no. 359 by Senator Carlyle be adopted:

Referred to Committee on Ways & Means.

Strike everything after the enacting clause and insert the following:

HB 1437 by Representatives MacEwen and Eslick

AN ACT Relating to a vessel crewmember license; and amending RCW 77.65.610.

"NEW SECTION. Sec. 1. (1) To provide clarity and certainty to stakeholders on the details of performance-based regulation, the utilities and transportation commission is directed to conduct a proceeding to develop a policy statement addressing alternatives to traditional cost of service rate making, including performance measures or goals, targets, performance incentives, and penalty mechanisms. As part of such a proceeding, the utilities and transportation commission must consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

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

(2) In developing its policy statement, the utilities and transportation commission must in its proceeding allow for participation and consultation with regulated utilities, the attorney general's office, and other interested stakeholders including, but not limited to, residential, industrial, commercial, and low-income customers and organizations, as well as environmental or community organizations and stakeholders.

ESHB 1443 by House Committee on Commerce & Gaming (originally sponsored by Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel, Kloba, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri)

AN ACT Relating to social equity within the cannabis industry; amending RCW 43.330.540, 69.50.335, and 69.50.336; providing an expiration date; and declaring an emergency.

(3) By January 1, 2022, the utilities and transportation commission shall notify the chairs and ranking members of the appropriate committees of the legislature of the process to date, the expected duration of, and work plan associated with this proceeding.

Referred to Committee on Labor, Commerce & Tribal Affairs.

NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW to read as follows:

ESHB 1529 by House Committee on Transportation (originally sponsored by Barkis, Fey, Slatter and Eslick)

AN ACT Relating to modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations; amending RCW 47.56.876; and declaring an emergency.

(1) Beginning January 1, 2022, every general rate case filing of a gas or electrical company must include a proposal for a multiyear rate plan as provided in this chapter. The commission may, by order after an adjudicative proceeding as provided by chapter 34.05 RCW, approve, approve with conditions, or reject, a multiyear rate plan proposal made by a gas or electrical company or an alternative proposal made by one or more parties, or any combination thereof. The commission's consideration of a proposal for a multiyear rate plan is subject to the same standards applicable to other rate filings made under this title, including the public interest and fair, just, reasonable, and sufficient rates. In determining the public interest, the commission may consider such factors including, but not limited to, environmental health and greenhouse gas emissions reductions, health and safety concerns, economic development, and equity, to the extent such factors affect the rates, services, and practices of a gas or electrical company regulated by the commission.

Referred to Committee on Transportation.

MOTIONS

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

At 10:09 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

AFTERNOON SESSION

The Senate was called to order at 12:31p.m. by President Heck.

MOTION

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

(2) The commission may approve, disapprove, or approve with modifications any proposal to recover from ratepayers up to five percent of the total revenue requirement approved by the commission for each year of a multiyear rate plan for tariffs that reduce the energy burden of low-income residential customers including, but not limited to: (a) Bill assistance programs; or (b) one or more special rates. For any multiyear rate plan approved under this section resulting in a rate increase, the commission must approve an increase in the amount of low-income bill assistance to take effect in each year of the rate plan where there is a rate increase. At a minimum, the amount of such low-income assistance increase must be equal to double the percentage increase, if any, in the residential base rates approved for each year of the rate plan. The commission may approve a larger increase to low-income bill assistance based on an appropriate record.

(3)(a) If it approves a multiyear rate plan, the commission shall separately approve rates for each of the initial rate year, the second rate year and, if applicable, the third rate year, and the fourth rate year.

(b) The commission shall ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is or will be used and useful under RCW 80.04.250 for service in this state by or during each rate year of the multiyear rate plan. For the initial rate year, the commission shall, at a minimum, ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is used and useful for service in this state as of the rate effective date. The commission may order refunds to customers if property expected to be used and useful by the rate effective date when the commission approves a multiyear rate plan is in fact not used and useful by such a date.

(c) The commission shall ascertain and determine the revenues and operating expenses for rate-making purposes of any gas or electrical company for each rate year of the multiyear rate plan.

(d) In ascertaining and determining the fair value of property of a gas or electrical company pursuant to (b) of this subsection and projecting the revenues and operating expenses of a gas or electrical company pursuant to (c) of this subsection, the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at fair, just, reasonable, and sufficient rates.

(e) If the commission approves a multiyear rate plan with a duration of three or four years, then the electrical company must update its power costs as of the rate effective date of the third rate year. The proceeding to update the electrical company's power costs is subject to the same standards that apply to other rate filings made under this title.

(4) Subject to subsection (5) of this section, the commission may by order establish terms, conditions, and procedures for a multiyear rate plan and ensure that rates remain fair, just, reasonable, and sufficient during the course of the plan.

(5) Notwithstanding subsection (4) of this section, a gas or electrical company is bound by the terms of the multiyear rate plan approved by the commission for each of the initial rate year and the second rate year. A gas or electrical company may file a new multiyear rate plan in accordance with this section for the third rate year and fourth rate year, if any, of a multiyear rate plan.

(6) If the annual commission basis report for a gas or electrical company demonstrates that the reported rate of return on rate base of the company for the 12-month period ending as of the end of the period for which the annual commission basis report is filed is more than .5 percent higher than the rate of return authorized by the commission in the multiyear rate plan for such a company, the company shall defer all revenues that are in excess of .5 percent higher than the rate of return authorized by the

commission for further determination by the commission in a subsequent adjudicative proceeding. If a multistate electrical company with fewer than 250,000 customers in Washington files a multiyear rate plan that provides for no increases in base rates in consecutive years beyond the initial rate year, the commission shall waive the requirements of this subsection provided that such a waiver results in just and reasonable rates.

(7) The commission must, in approving a multiyear rate plan, determine a set of performance measures that will be used to assess a gas or electrical company operating under a multiyear rate plan. These performance measures may be based on proposals made by the gas or electrical company in its initial application, by any other party to the proceeding in its response to the company's filing, or in the testimony and evidence admitted in the proceeding. In developing performance measures, incentives, and penalty mechanisms, the commission may consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(8) Nothing in this section precludes any gas or electrical company from making filings required or permitted by the commission.

(9) The commission shall align, to the extent practical, the timing of approval of a multiyear rate plan of an electrical company submitted pursuant to this section with the clean energy implementation plan of the electrical company filed pursuant to RCW 19.405.060.

(10) The provisions of this section may not be construed to limit the existing rate-making authority of the commission.

Sec. 3. RCW 80.28.068 and 2009 c 32 s 1 are each amended to read as follows:

~~(Upon)~~ (1) Upon its own motion, or upon request by an electrical or gas company, or other party to a general rate case hearing, or other proceeding to set rates, the commission may approve rates, charges, services, and/or physical facilities at a discount, or through grants, for low-income senior customers and low-income customers. Expenses and lost revenues as a result of these discounts or grants shall be included in the company's cost of service and recovered in rates to other customers. The gas or electrical company must use reasonable and good faith efforts to seek approval for low-income program design, eligibility, operation, outreach, and funding proposals from its low-income and equity advisory groups in advance of filing such proposals with the commission. In order to remove barriers and to expedite assistance, low-income discounts or grants approved under this section must be provided in coordination with community-based organizations in the gas or electrical company's service territory including, but not limited to, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations. Nothing in this section may be construed as limiting the commission's authority to approve or modify tariffs authorizing low-income discounts or grants.

(2) Eligibility for a low-income discount rate or grant established in this section may be established upon verification of a low-income customer's receipt of any means-tested public benefit, or verification of eligibility for the low-income home energy assistance program, or its successor program, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020. The public benefits may include, but are not limited to, assistance that provides cash,

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housing, food, or medical care including, but not limited to, temporary assistance for needy families, supplemental security income, emergency assistance to elders, disabled, and children, supplemental nutrition assistance program benefits, public housing, federally subsidized or state-subsidized housing, the low-income home energy assistance program, veterans' benefits, and similar benefits.

(3) Each gas or electrical company shall conduct substantial outreach efforts to make the low-income discounts or grants available to eligible customers and must provide annual reports to the commission as to the gas or electrical company's outreach activities and results. Such outreach: (a) Shall be made at least semiannually to inform customers of available rebates, discounts, credits, and other cost-saving mechanisms that can help them lower their monthly bills for gas or electrical service; and (b) may be in the form of any customary and usual methods of communication or distribution including, without limitation, widely broadcast communications with customers, direct mailing, telephone calls, electronic communications, social media postings, in-person contacts, websites of the gas or electrical company, press releases, and print and electronic media, that are designed to increase access to and participation in bill assistance programs.

(4) Outreach may include establishing an automated program of matching customer accounts with lists of recipients of the means-tested public benefit programs and, based on the results of the matching program, to presumptively offer a low-income discount rate or grant to eligible customers so identified. However, the gas or electrical company must within 60 days of the presumptive enrollment inform such a low-income customer of the presumptive enrollment and all rights and obligations of a customer under the program, including the right to withdraw from the program without penalty.

(5) A residential customer eligible for a low-income discount rate must receive the service on demand.

(6) A residential customer may not be charged for initiating or terminating low-income discount rates, grants, or any other form of energy assistance.

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

(a) "Energy burden" has the same meaning as defined in RCW 19.405.020.

(b) "Low-income" has the same meaning as defined in RCW 19.405.020.

(c) "Physical facilities" includes, but may not be limited to, a community solar project as defined in RCW 80.28.370.

NEW SECTION. Sec. 4. A new section is added to chapter 80.28 RCW to read as follows:

(1) A gas company or electrical company may enter into one or more written agreements with organizations that represent broad customer interests in regulatory proceedings conducted by the commission. The agreement must govern the manner in which financial assistance may be provided to the organization. More than one gas company, electrical company, or organization representing customer interests may join in a single agreement. Any agreement entered into under this section must be approved by the commission before any financial assistance is provided under the agreement, provided that the commission must consider whether the agreement is consistent with a reasonable allocation of financial assistance provided to organizations pursuant to this section among classes of customers of the gas or electrical company. Nothing in this subsection may be interpreted to prevent organizations representing vulnerable populations or highly impacted communities from qualifying as organizations that represent broad customer interests.

(2) Financial assistance made to an organization pursuant to this section is limited to funds contributed by the customer class or classes represented by such an organization. If an organization receiving funds pursuant to this section represents more than one class of customers of a gas or electrical company, then the funding available to such an organization must be equitably apportioned between or among the customer classes so represented.

(3) In administering an agreement entered into under subsection (1) of this section, the commission by rule or order may determine:

(a) The amount of financial assistance, if any, that may be provided to any organization;

(b) The manner in which the financial assistance is distributed;

(c) The manner in which the financial assistance is recovered in the rates of the gas company or electrical company under subsection (4) of this section; and

(d) Other matters necessary to administer the agreement.

(4) The commission shall allow a gas company or electrical company that provides financial assistance under this section to recover the amounts provided in rates. The commission shall allow a gas company or electrical company to defer inclusion of those amounts in rates if the gas company or electrical company so elects. An agreement under this section may not provide for payment of any amounts to the commission.

(5) Organizations representing vulnerable populations or highly impacted communities must be prioritized for funding under this section.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 3 of the title, after "making;" strike the remainder of the title and insert "amending RCW 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 359 by Senator Carlyle to Substitute Senate Bill No. 5295.

The motion by Senator Carlyle carried and striking floor amendment no. 359 was adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute Senate Bill No. 5295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle, Short and Sheldon spoke in favor of passage of the bill.

MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5295.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yeas: Senators Billig, Brown, Carlyle, Cleveland,

Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Padden, Saldaña and Wagoner
Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, 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. 5015, by Senators Hunt, Billig, Das, Dhingra, Hasegawa, Keiser, Kuderer, Nguyen, and Wilson, C.

Concerning fraudulent portrayal of ballot drop boxes.

The measure was read the second time.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 373 by Senator Wilson, J. be adopted:

On page 1, line 11, after "voter;" strike "or"

On page 1, line 14, after "auditor" insert "or"

(4) Establishes a location to collect ballots voted that does not prominently display at the location a sign printed in all capital letters in bold 50-point or greater type stating: "NOT AN OFFICIAL BALLOT DROP BOX." This subsection (4) does not apply to an election official in the performance of official duties"

Senators Wilson, J. and Rivers spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 373 by Senator Wilson, J. on page 1, line 11 to Senate Bill No. 5015.

The motion by Senator Wilson, J. did not carry and floor amendment no. 373 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 393 by Senator Rivers be adopted:

On page 1, line 11, after "voter;" strike "or"

On page 1, line 14, after "auditor" insert "or"

(4) If the person is not an election official in the performance of official duties, establishes a ballot drop box"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 393 by Senator Rivers on page 1, line 11 to Senate Bill No. 5015.

The motion by Senator Rivers failed and floor amendment no. 393 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate

Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

MOTION

On motion of Senator Wagoner, Senator Fortunato was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 5015, 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. 5361, by Senators McCune, Warnick, and Wilson, J.

Concerning the resentencing of persons convicted of drug offenses.

MOTIONS

On motion of Senator McCune, Substitute Senate Bill No. 5361 was substituted for Senate Bill No. 5361 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCune, the rules were suspended, Substitute Senate Bill No. 5361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCune and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5361 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson,

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J. and Wilson, L.

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5361, 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 Braun: “Thank you. So, this one snuck up on us Mr. President. But our last bill, by all reports was Senator McCune’s first bill in this chamber. So, our practice has been to provide him some feedback on the bill, we were so doggedly focused on the task before us we didn’t have an opportunity to do that. So, I’ll simply stand and welcome Senator McCune to the Senate. He has a long history of service in the State House, on the Pierce County Council and now he starts his service in the Washington state Senate. So, welcome to the Senate. We are glad to have you here Senator McCune. We look forward to years of working together. Thank you, Mr. President.”

PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. I had the opportunity to serve with Senator McCune in the House, so it is especially a high honor to welcome him to the Senate and appreciate Senator Braun’s comments on constructive feedback. I would say that Senator McCune read us a very wonderful speech on his first bill, and we look forward to more speeches from him in the future.”

PERSONAL PRIVILEGE

Senator Padden: “Thank you Mr. President. I also want to welcome the gentleman from the 2nd District who is assistant ranking member here on Law & Justice. Worked closely with myself and I think has been a good contributing member to the committee and really appreciate how he’s been received by the by the chair. And he also, people might not know this, but was not only one point represented the, as Representative of the 2nd District in our Legislature and been on The Pierce County Council, but way back when for a brief time was a Representative, I believe it was the 33rd District and South King County, so he does have a wealth of experience. Very interested in criminal justice issues and as you mentioned Mr. President we’re looking forward to that gift and hopefully not to cast any aspersions on our leader, but I remembered the gift from him was a glass full of mud from the Chehalis River so I’m hoping for something a little better from Senator McCune. Thank you, Mr. President.”

REMARKS BY THE PRESIDENT

President Heck: “That was a clear violation of Rule 29: Impeaching the motives of Senator Braun. And it will not be tolerated.”

PERSONAL PRIVILEGE

Senator Saldaña: “I also would like to welcome the gentleman from the 2nd Legislative District. While this particular session has been difficult for us to have a chance to really get to know each other and I do miss the gentlelady that used to serve in the 2nd, she was a gem, always sharing her rocks that she would find and invited me into her chambers to be able to engage and after floor session so but I do appreciate that Senator McCune has always

consistent with his background image out fishing. I believe outside of Alaska and do appreciate that he is knowledgeable of one of my constituents who is also a fisherman as well and has been, has wanted to make sure that I always am informed about the impact to our fishing community and I think it is really important that we think about maritime as a future career and I’ll look forward to opportunities to figure out ways for us to collaborate in supporting food jobs in the maritime industry.”

PERSONAL PRIVILEGE

Senator Schoesler: “Thank you Mr. President. Wanted to bring out a couple of points about the gentleman from the 2nd District. I will accept a certain amount of blame for him joining us. Many, many years ago I actually doorbelled the 33rd District with him, so I am somewhat to blame. I will point out to the good gentleman that the new senator from the 16th set the bar fairly high for the gift and he should look no farther than the lead of the gentleman from the 16th District in gift giving.”

PERSONAL PRIVILEGE

Senator Wagoner: “Thank you Mr. President. I too want to welcome Senator McCune to our body and I want to proffer a compliment that he well deserves and hopefully other members will be listening and be led by his example so as the whip I have a difficult task of keeping track of where people are and when they need to be excused and I have to say Senator McCune is the most dedicated he keeps me informed lets me know and I so appreciate that and I hope everybody else is listening.”

PERSONAL PRIVILEGE

Senator Keiser: “Thank you Mr. President and I am so pleased to welcome Senator McCune to the Senate. We go back a long way. As was said, my district, the 33rd District, used to also be Senator McCune’s before he was a Senator, and when he was there, he was with me. Now we’re together again. Welcome to the Senate.”

REMARKS BY SENATOR LIAS

Senator Liias: “I was going to make a motion that we go at ease for lunch, but I was hoping that Senator McCune had a point of personal privilege and I just want to reserve a moment for him if you would like to ring in.”

REMARKS BY THE PRESIDENT

President Heck: “I think the exciting announcement about the nature of the gift is probably forthcoming. And it appears that he has now indicated a willingness to share.”

PERSONAL PRIVILEGE

Senator McCune: “Thank you Mr. President. Well, I understand that there is gift giving for a new member to all the members, I have not picked out that gift Mr. President, as of yet. I’m still researching that it might be something from my district or something from Alaska. I’m not exactly sure yet and I really appreciate the comments from the good senators, and I appreciate being in the Senate. Thank you, Mr. President.”

PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, Senator Saldana and others have noted Senator McCune’s background that he’s using on our electronic sessions here and that of course is a beautiful view of probably Bristol Bay with the mountains in the background and I’m sure that Senator Salomon you know we have to endure his fishing stories over and over he’s a big time recreational fisher, fisher. But I gotta say that the Senator McCune catches those fish by the boatload so that should kind of silence the one of our members with his fishing stories because quantity is where it counts so Senator McCune welcome to the Senate.”

REMARKS BY SENATOR SALOMON

Senator Salomon: “Senator Sheldon, I will not be silenced.”

REMARKS BY SENATOR LIAS

Senator Liias: “Thank you Mr. President. Perhaps it’s because I’m about ready to announce that we are going to take a lunch break, but I would suggest to Senator McCune that there is one thing that unites our state and Alaska, and it is salmon. So, you know, a few pounds of that beautiful salmon, maybe smoked. Those are some suggestions you might bear in mind as you think about what gift to bring us.”

MOTION

Senator Billig moved that in accordance with Emergency Rules, that the rules be suspended and that the package distributed earlier be pulled from the Committee on Rules and placed on the 2nd Reading Calendar.

Senator Billig spoke in favor of the motion.

Senator Braun spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Emergency Rules be suspended, and the Committee on Rules be relieved of the package of bills and those bills be placed on the 2nd Reading Calendar.

The motion by Senator Billig carried and the Committee on Rules was relieved of the package of bills by voice vote.

MOTION

Senator Billig moved that in accordance with Emergency Rule J, the Rules Committee be relieved of the consent package and the bills placed on the Consent Calendar.

The President declared the question before the Senate to be the motion by Senator Billig to relieve the Rules Committee of the consent package and place that package on the Consent Calendar.

The motion by Senator Billig carried and the committee was relieved of the consent package by voice vote.

MOTION

At 1:09 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:51 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5195, by Senators Liias, Muzzall, Das, Dhingra, Nguyen, and Wilson, C.

Concerning prescribing opioid overdose reversal medication.

MOTIONS

On motion of Senator Liias, Second Substitute Senate Bill No. 5195 was substituted for Senate Bill No. 5195 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Concerning opioid overdose reversal medication.

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Muzzall and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle and Van De Wege

Absent: Senator Salomon

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5195, 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 Braun: “Thank you Mr. President. So, during the bill before we went to lunch, there was some discussion, some points of personal privilege and our colleague from the fourth made reference to my gift when I entered the Senate in 2013 and while I don’t particularly take offense, Mr. President, I thought it was important to put it in context and point out that in addition to a canister of mud, which I did deliver to each member, I also provided them a box of frozen vegetables and that made all the difference Mr. President.”

SECOND READING

SENATE BILL NO. 5263, by Senators Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Liias, Saldaña, Wellman, and Wilson, C.

Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5263

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was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wagoner moved that the following floor amendment no. 293 by Senator Wagoner be adopted:

On page 1, beginning on line 16, after "that" strike all material through "that" on line 17

On page 1, line 18, after "felony." insert "or that the finder of fact has determined beyond a reasonable doubt that the person injured or killed was engaged in a class C felony."

Senator Wagoner spoke in favor of adoption of the amendment. Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 293 by Senator Wagoner on page 1, line 16 to Substitute Senate Bill No. 5263.

The motion by Senator Wagoner did not carry and floor amendment no. 293 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENTS

On motion of Senator Padden and without objection, floor amendment no. 285 by Senator Padden on page 1, line 18, floor amendment no. 286 by Senator Padden on page 2, line 1, striking floor amendment no. 287 by Senator Padden, and striking floor amendment no. 288 by Senator Padden to Substitute Senate Bill No. 5263 were withdrawn.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 372 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.420 and 1987 c 212 s 901 are each amended to read as follows:

((#)) (1) Except in an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death and the felony was a proximate cause of the injury or death. ((However, nothing))

(2) In an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to the action that the finder of fact has determined beyond a reasonable doubt that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death, the commission of which was a proximate cause of the injury or death.

(3) Nothing in this section shall affect a right of action under 42 U.S.C. Sec. 1983."

On page 1, line 2 of the title, after "felony;" strike the remainder of the title and insert "and amending RCW 4.24.420."

Senator Pedersen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 372 by Senator Pedersen to Substitute Senate Bill No. 5263.

The motion by Senator Pedersen carried and striking floor

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amendment no. 372 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, 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. 5188, by Senators Kuderer, Nguyen, Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Liias, Lovelett, Stanford, Van De Wege, Wellman, and Wilson, C.

Concerning the creation of the Washington state public bank.

MOTION

On motion of Senator Kuderer, Second Substitute Senate Bill No. 5188 was substituted for Senate Bill No. 5188 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Concerning creation of the Washington state public financial cooperative.

MOTION

Senator Dozier moved that the following floor amendment no. 390 by Senator Dozier be adopted:

On page 4, line 9, after "means" strike "the state government,"

On page 4, line 9, after "local government" strike ","

On page 5, line 19, after "(ii)" strike "An appropriation" and insert "A loan from the state to be paid back within five years"

Senator Gildon spoke in favor of adoption of the amendment.

Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 390 by Senator Dozier on page 4, line 9 to Second Substitute Senate Bill No. 5188.

The motion by Senator Dozier did not carry and floor amendment no. 390 was not adopted by voice vote.

MOTION

Senator Kuderer moved that the following floor amendment no. 395 by Senator Kuderer be adopted:

On page 5, line 2, after "tribe" strike "as defined in RCW 43.376.010"

Senator Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 395 by Senator Kuderer on page 5, line 2 to Second Substitute Senate Bill No. 5188.

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

MOTION

Senator Fortunato moved that the following floor amendment no. 394 by Senator Fortunato be adopted:

On page 6, line 8, after "act" insert "that must include bylaws and regulations that provide procedures related to the default on bonds issued by the cooperative"

On page 11, line 6, after "funds." insert "Any bond obligations, including those created by the default on bonds issued under this chapter, are not obligations of the state and are not payable with funds of the state of Washington."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 394 by Senator Fortunato on page 6, line 8 to Second Substitute Senate Bill No. 5188.

The motion by Senator Fortunato did not carry and floor amendment no. 394 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 389 by Senator Short be adopted:

On page 11, line 20, after "(3)" insert "The cooperative shall not issue any bonds with a rating less than AA by Standard & Poor's or the equivalent rating from another major credit ratings agency.

(4)"

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

Senator Short spoke in favor of adoption of the amendment.

Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 389 by Senator Short on page 11, line 20 to Second Substitute Senate Bill No. 5188.

The motion by Senator Short did not carry and floor amendment no. 389 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 391 by Senator Brown be adopted:

On page 11, line 20, after "(3)" insert "The cooperative shall maintain a reserve fund funded to cover two years of debt service payments on loans that the cooperative extends to borrowers.

(4)"

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

Senator Brown spoke in favor of adoption of the amendment.

Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 391 by Senator Brown on page 11, line 20 to Second Substitute Senate Bill No. 5188.

The motion by Senator Brown did not carry and floor amendment no. 391 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Wellman, Lovelett and Hasegawa spoke in favor of passage of the bill.

Senators Fortunato, Wilson, L., Schoesler and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5188.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

Voting nay: Senators Braun, Brown, Carlyle, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Robinson, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188, 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. 5293, by Senators Nobles, Darneille, Das, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Rivers, Salomon, Van De Wege, and Wilson, C.

Addressing mental health sentencing alternatives.

MOTIONS

On motion of Senator Nobles, Second Substitute Senate Bill

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No. 5293 was substituted for Senate Bill No. 5293 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nobles, the rules were suspended, Second Substitute Senate Bill No. 5293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5293.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5293 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5293, 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.

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Well, the board said we were on second reading, so it was not clear to me exactly which one we were on when we were voting, but never mind, that's okay. We need, we actually do need a button I think, to be able to get a clarification like that."

REPLY BY THE PRESIDENT

President Heck: "A roll call is not interruptible Senator Hasegawa."

SECOND READING

SENATE BILL NO. 5268, by Senators Keiser, Braun and Nguyen

Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5268 was substituted for Senate Bill No. 5268 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following floor amendment no.

388 by Senator Braun be adopted:

On page 9, line 9, after "implications;" strike "and"

On page 9, line 13, after "requirements" insert ";

(c) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(d) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan"

On page 9, after line 18, insert the following:

"(3) Subject to funding appropriated specifically for this purpose, the department of social and health services must make every effort to ensure the individual does not lose their community placement while the individual is receiving crisis stabilization services. The department of social and health services must:

(a) Work with community residential service providers to provide a 90-day bedhold for individuals who are transferred from the community residential service provider to an intermediate care facility for crisis stabilization services; and

(b) Utilize client participation or other resources to pay the rent for individuals who are facing eviction due to failure to pay the rent caused by the transfer from subsidized housing to an intermediate care facility for crisis stabilization services."

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

On page 9, line 21, after "(1)" strike "and (2)" and insert "through (3)"

Senator Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 388 by Senator Braun on page 9, line 9 to Substitute Senate Bill No. 5268.

The motion by Senator Braun carried and floor amendment no. 388 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Braun and King 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. 5268.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall,

Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, 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. 5368, by Senators Short, Fortunato, and Wilson, L.

Encouraging rural economic development.

MOTIONS

On motion of Senator Short, Second Substitute Senate Bill No. 5368 was substituted for Senate Bill No. 5368 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Second Substitute Senate Bill No. 5368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5368.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5368 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Hasegawa, Rolfes and Salomon
Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5368, 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. 5304, by Senators Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers and Wellman

Providing reentry services to persons releasing from state and local institutions.

MOTION

On motion of Senator Wilson, C., Second Substitute Senate Bill No. 5304 was substituted for Senate Bill No. 5304 and the

substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, C. moved that the following floor amendment no. 239 by Senator Wilson, C. be adopted:

On page 3, line 19, after "organization" strike "at least 30 days"

On page 9, line 14, after "organization" strike "at least 30 days"

On page 9, line 34, after "provide" strike "mental and"

On page 10, line 17, after "organizations;" insert "jail administrators;"

On page 10, line 22, after "by" strike "December 1, 2021" and insert "July 1, 2022"

On page 10, line 23, after "December 1," strike "2022" and insert "2023"

On page 11, at the beginning of line 2, strike "December 1, 2021" and insert "July 1, 2022"

On page 11, line 2, after "November 1," strike "2022" and insert "2023"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 239 by Senator Wilson, C. on page 3, line 19 to Second Substitute Senate Bill No. 5304.

The motion by Senator Wilson, C. carried and floor amendment no. 239 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 392 by Senator Wagoner be adopted:

Beginning on page 5, line 11, strike all of sections 6 through 11 and insert the following:

"**Sec. 6.** RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The offender reentry community safety program is established to provide intensive services to offenders identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In ~~((determining an offender's dangerousness))~~ evaluating these criteria, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ~~((an increased))~~ risk ~~((for))~~ of dangerousness of offenders with mental illnesses within the criminal justice system and shall include consideration of an offender's history of substance use disorder or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ~~((contracted with the health care authority, the appropriate))~~ or behavioral health administrative services organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health advance

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directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of ~~((twenty one))~~ 21. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by ~~((the))~~ a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ~~((evaluation and treatment))~~ facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 7. RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist offenders identified under RCW 72.09.370 for participation in the offender reentry community safety program. The contracts may be with any qualified and appropriate entities. The director shall ensure the authority has coverage in all counties of the state for the purposes of providing offender reentry community safety program services.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under

RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The offender reentry community safety program was formerly known as the community integration assistance program.

Sec. 8. RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ~~((provider's))~~ agency's duties under this chapter ~~((is))~~ and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the offender reentry community safety program who is a client of the ~~((provider or organization))~~ agency, unless the act or omission of the ~~((provider or organization))~~ agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the offender reentry community safety program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the offender reentry community safety program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to ~~((be dangerous))~~ present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder.

NEW SECTION. Sec. 9. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a reentry services work group to consider ways to improve reentry services for persons with an identified behavioral health services need. The work group shall:

(a) Advise the authority on its waiver application under section 6 of this act;

(b) Develop a plan to assure notifications of the person's release date, current location, and other appropriate information are provided to the person's managed care organization at least 30

days before the person's scheduled release from confinement, or as soon as practicable thereafter, in accordance with RCW 74.09.555;

(c) Consider the value of expanding, replicating, or adapting the essential elements of the offender reentry community safety program under RCW 72.09.370 and 71.24.470 to benefit new populations, such as:

(i) A larger group of incarcerated persons in the department of corrections than those who currently have the opportunity to participate;

(ii) State hospital patients committed under criminal insanity laws under chapter 10.77 RCW;

(iii) Involuntary treatment patients committed under chapter 71.05 RCW;

(iv) Persons committed to juvenile rehabilitation;

(v) Persons confined in jail; and

(vi) Other populations recommended by the work group;

(d) Consider whether modifications should be made to the offender reentry community safety program;

(e) Identify potential costs and savings for the state and local governments which could be realized through the use of telehealth technology to provide mental and behavioral health services, expansion or replication of the offender reentry community safety program, or other reentry programs which are supported by evidence;

(f) Consider the sustainability of reentry or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. Washington State DSHS*, No. 15-35462;

(g) Recommend a means of funding expanded reentry services; and

(h) Consider incorporation of peer services into the offender reentry community safety program.

(2) The authority shall invite participation in the work group by stakeholders including but not limited to representatives from: Disability rights Washington; behavioral health advocacy organizations; behavioral health peers; reentry community services providers; community behavioral health agencies; advocates for persons with developmental disabilities; the department of corrections; the department of children, youth, and families; the Washington association of sheriffs and police chiefs; prosecutors; defense attorneys; the Washington state association of counties; King county behavioral health and recovery division; the department of social and health services; state hospital employees who serve patients committed under chapters 10.77 and 71.05 RCW; the public safety review panel under RCW 10.77.270; managed care organizations; behavioral health administrative services organizations; the Washington statewide reentry council; the Washington state senate; the Washington state house of representatives; and the Washington state institute for public policy.

(3) The work group must provide a progress report to the governor and appropriate committees of the legislature by December 1, 2021, and a final report by December 1, 2022.

NEW SECTION. Sec. 10. The Washington state institute for public policy shall update its previous evaluations of the offender reentry community safety program under RCW 72.09.370 and 71.24.470, and broaden its cost-benefit analysis to include impacts on the use of public services, and other factors. The institute shall collaborate with the work group established under section 9 of this act to determine research parameters and help the work group answer additional research questions including, but not limited to, the potential cost, benefit, and risks involved in expanding or replicating the offender reentry community safety program; and what modifications to the program are most likely to prove advantageous based on the current state of knowledge about evidence-based, research-based,

and promising programs. The department of corrections, health care authority, administrative office of the courts, King county, and department of social and health services must cooperate with the institute to facilitate access to data or other resources necessary to complete this work. The institute must provide a preliminary report by December 1, 2021, and a final report by November 1, 2022, to the governor and relevant committees of the legislature.

Sec. 11. RCW 72.09.270 and 2008 c 231 s 48 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every offender who is committed to the jurisdiction of the department except:

(a) Offenders who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Offenders who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each offender. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the offender, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than ~~((forty-five))~~ 45 days of being sentenced to the jurisdiction of the department of corrections.

(b) The offender's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than ~~((sixty))~~ 60 days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the offender's children and family;

(b) An individualized portfolio for each offender that includes the offender's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any offender, the department shall:

(i) Evaluate the offender's needs and, to the extent possible, connect the offender with existing services and resources that meet those needs; and

(ii) Connect the offender with a community justice center and/or community transition coordination network in the area in which the offender will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an offender's individual reentry plan, the department shall maximize the period of partial confinement for the offender as allowed pursuant to RCW 9.94A.728 to facilitate the offender's transition to the community.

(7) The department shall establish mechanisms for sharing

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information from individual reentry plans to those persons involved with the offender's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an offender released to community custody, the department may ~~((not))~~ approve a residence location that is not in the offender's county of origin ~~((unless it is determined by the))~~ if the department determines that the ~~((offender's return to his or her county of origin would be inappropriate considering))~~ residence location would be appropriate based on any court-ordered condition of the offender's sentence, victim safety concerns, ~~((negative influences on the offender in the community, or the))~~ and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the offender, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the offender in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the offender is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the offender is placed with a written explanation.

~~((=))~~ (d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the offender's county of origin means the county of the offender's residence at the time of the offender's first felony conviction in Washington state.

(ii) If the offender is a homeless person as defined in RCW 43.185C.010, or the offender's residence is unknown, then the offender's county of origin means the county of the offender's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services."

Senator Wagoner spoke in favor of adoption of the amendment.
Senator Darneille spoke against adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Wagoner: "Thank you Mr. President. I'm inquiring about the volume. It was very difficult for me to hear Senator Darneille, so I am wondering what the best procedure is when the volume drops to a point where we can't hear her very well?"

REPLY BY THE PRESIDENT

President Heck: "We're on it."

Senator Padden spoke in favor of adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Darneille: "Thank you, Mr. President. I was going to wonder if being remote it was difficult to stand up and ask for the speaker to actually be referencing the document before us which is an amendment to an excellent reentry bill. And I too could go on and on Mr. President about the good things that are happened at our Department of Corrections..."

REPLY BY THE PRESIDENT

President Heck: "Senator Darneille, this is not a point of inquiry."

PARLIAMENTARY INQUIRY

Senator Hawkins: "Well thank you Mr. President. I don't mean to take away from the debate that we are having but since the conversation came up about volume, I'm actually having some trouble hearing the people who are speaking on the floor. And I would just, actually, thing have gone really well during this remote session and with the Zoom I can hear everybody on Zoom. And I can hear almost everyone who speaks on the floor, but I don't expect everyone to remember this, but when you hold the microphone, hold it up a little bit because some of the folks who are softer spoken and they are wearing masks, it does get difficult to hear if they are not holding the microphone close. I have the option to increase my volume, but between the Zoom speakers and the floor speakers, it is kind of like one of those volume up, volume down movies where you have to keep the remote control close. So, I just encourage everybody on the floor to hold it up if they would be so kind. Thank you, Mr. President."

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 392 by Senator Wagoner on page 5, line 11 to Second Substitute Senate Bill No. 5304.

The motion by Senator Wagoner did not carry and floor amendment no. 392 was not adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Second Substitute Senate Bill No. 5304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Gildon and Wagoner 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. 5304.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5304 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, 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. 5405, by Senators Hasegawa, Conway, Liias, Nguyen, Saldaña, and Wilson, C.

Instructing the joint legislative audit and review committee to perform racial equity analyses.

MOTION

On motion of Senator Hasegawa, Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 397 by Senator Braun be adopted:

On page 1, after line 15, insert the following:

"**NEW SECTION. Sec. 2.** (1) The joint legislative audit and review committee must complete a racial equity analysis by December 31, 2021, on the impact of the restrictions on in-person K-12 education put in place since the state of emergency declared on February 29, 2020, for all counties in Washington due to COVID-19.

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

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

On page 1, beginning on line 2 of the title, after "RCW 44.28.005;" strike all material through "RCW" on line 3 and insert "adding a new section to chapter 44.28 RCW; creating a new section; and providing an expiration date"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 397 by Senator Braun on page 1, line 15 to Substitute Senate Bill No. 5405.

The motion by Senator Braun carried and floor amendment no. 397 was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Padden and Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5405, 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

SUBSTITUTE SENATE BILL NO. 5004, by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick, Conway, Das, King, Kuderer, Saldaña, and Wilson, C.)

Providing a tax exemption for medical marijuana patients.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5004 was substituted for Senate Bill No. 5004 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5004.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5004 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Brown, Dozier, Honeyford, Padden, Schoesler and Short

SUBSTITUTE SENATE BILL NO. 5004, 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. 5357, by Senators Honeyford, King, Wagoner, Wellman, and Wilson, L.

Establishing and making appropriations for the capital broadband investment acceleration program.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5357 was substituted for Senate Bill No. 5357 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Establishing the capital broadband investment acceleration program.

MOTION

Senator Wellman moved that the following floor amendment

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 no. 361 by Senator Wellman be adopted:

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SENATE BILL NO. 5043, by Senators Salomon, Rolfes, Conway, Das, Hasegawa, Hunt, Kuderer, Lovelett, Saldaña, Wellman, and Wilson, C.

On page 2, beginning on line 5, after "office" strike all material through "revitalization board," on line 6

Providing housing to school district employees.

On page 2, after line 9, insert the following:

The measure was read the second time.

"(5) The statewide broadband office must develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize opportunities to leverage federal funding and ensure efficient state investment in achieving the policy objectives of RCW 43.330.536. The project evaluation process must help standardize the assessment of proposed broadband projects so that the state funders, soon after a project is identified, can determine whether the project is a strong candidate for a known federal funding opportunity. The statewide broadband office will use the tool to identify whether a project can be packaged as part of a regional or other coordinated federal grant proposal. The statewide broadband office, public works board, and community economic revitalization board are encouraged to enter into a memorandum of understanding outlining how coordination will take place so that the process can help with a coordinated funding strategy across these entities."

MOTION

On motion of Senator Salomon, the rules were suspended, Senate Bill No. 5043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon, Wellman, Hasegawa, Rolfes and Braun spoke in favor of passage of the bill.

Senators Hawkins, Fortunato, Rivers and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5043.

ROLL CALL

Senators Wellman and Honeyford spoke in favor of adoption of the amendment.

The Secretary called the roll on the final passage of Senate Bill No. 5043 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

The President declared the question before the Senate to be the adoption of floor amendment no. 361 by Senator Wellman on page 2, line 5 to Substitute Senate Bill No. 5357.

The motion by Senator Wellman carried and floor amendment no. 361 was adopted by voice vote.

Voting yea: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Carlyle, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Mullet, Carlyle and Short spoke in favor of passage of the bill.

Senator Hasegawa 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. 5357.

SENATE BILL NO. 5043, 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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5357 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

SENATE BILL NO. 5058, by Senators Rolfes and Van De Wege

Making technical changes to certain natural resources-related accounts.

The measure was read the second time.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Warnick 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. 5058.

ROLL CALL

ENGROSSED SUBSTITUTE SENATE BILL NO. 5357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

No. 5058 and the bill passed the Senate by the following vote:
Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Ericksen

SENATE BILL NO. 5058, 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 4:27 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Saturday, March 6, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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1259-S	Messages	1
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1267-S.E	Messages	1
Messages		1
1269-S	Introduction & 1st Reading	2
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1287-S2.E	Messages	1
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1322-S	Introduction & 1st Reading	2
Introduction & 1st Reading		2
1333-S	Messages	1
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1355-S	Introduction & 1st Reading	2
Introduction & 1st Reading		2
1357-S	Messages	1
Messages		1
1382-S2.E	Introduction & 1st Reading	2
Introduction & 1st Reading		2
1386.E	Introduction & 1st Reading	3
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1437	Introduction & 1st Reading	3
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1443-S.E	Introduction & 1st Reading	3
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1446-S	Messages	1
Messages		1
1453.E	Messages	1
Messages		1
1504-S2.E	Messages	1
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1521-S.E	Messages	1
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5293		9256 Harris, Cherie M.	
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5295-S		GUESTS	
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