

FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Friday, March 3, 2023

The Senate was called to order at 9:00 o'clock 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 Sergeant at Arms Color Guard consisting of Pages Miss Isabella Rahn and Mr. Caleb Davis, presented the Colors. Page Mr. Anders Hanson led the Senate in the Pledge of Allegiance. The prayer was offered by Pastor Jeffery Spencer of Oak Harbor Lutheran Church. Pastor Spencer was a guest of Senator Muzzall.

MOTIONS

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

On motion of Senator Pedersen, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 1, 2023

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WOODROW MYERS JR., appointed March 1, 2023, for the term ending December 31, 2028, as Member of the Fish and Wildlife Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9335.

March 1, 2023

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN PARKER, appointed March 1, 2023, for the term ending December 31, 2028, as Member of the Fish and Wildlife Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9336.

MOTIONS

On motion of Senator Pedersen, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

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

MESSAGES FROM THE HOUSE

March 1, 2023

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1320,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 2, 2023

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1013,  
SUBSTITUTE HOUSE BILL NO. 1074,  
SUBSTITUTE HOUSE BILL NO. 1200,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1238,

SUBSTITUTE HOUSE BILL NO. 1291,  
HOUSE BILL NO. 1308,

SECOND SUBSTITUTE HOUSE BILL NO. 1322,  
ENGROSSED HOUSE BILL NO. 1336,

SUBSTITUTE HOUSE BILL NO. 1355,

SECOND SUBSTITUTE HOUSE BILL NO. 1390,  
SUBSTITUTE HOUSE BILL NO. 1406,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436,

SECOND SUBSTITUTE HOUSE BILL NO. 1447,  
SECOND SUBSTITUTE HOUSE BILL NO. 1474,

ENGROSSED HOUSE BILL NO. 1478,

SECOND SUBSTITUTE HOUSE BILL NO. 1491,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1515,

SUBSTITUTE HOUSE BILL NO. 1570,  
SUBSTITUTE HOUSE BILL NO. 1577,

SECOND SUBSTITUTE HOUSE BILL NO. 1580,  
SECOND SUBSTITUTE HOUSE BILL NO. 1618,

SUBSTITUTE HOUSE BILL NO. 1658,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5758 by Senators McCune, Holy, Wilson, J., Wilson, L., Boehnke, Dozier, Torres, Padden, Rivers, Braun, Muzzall, Short, Wagoner and Kauffman

AN ACT Relating to studying the risks of electromagnetic pulse attacks; adding a new section to chapter 42.56 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

HB 1002 by Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba and Riccelli

AN ACT Relating to increasing the penalty for hazing; amending RCW 28B.10.901, 9.94A.411, 9.94A.515, and 9A.46.060; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 1047 by House Committee on Environment & Energy (originally sponsored by Mena, Ryu, Berry, Simmons, Duerr, Goodman, Bateman, Reed, Fitzgibbon, Ramel, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos, Riccelli and Ormsby)

AN ACT Relating to the use of toxic chemicals in cosmetic products; amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

ESHB 1057 by House Committee on Appropriations (originally sponsored by Stokesbary, Fitzgibbon, Leavitt, Simmons, Rude, Bateman, Pollet, Street, Goodman, Robertson, Macri, Donaghy, Bronoske, Paul, Bergquist, Wylie, Kloba and Ormsby)

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992, 41.40.1987, 41.45.060, and 41.45.070; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1109 by House Committee on Appropriations (originally sponsored by Senn, Stonier, Rude, Taylor, Slatter, Callan, Doglio, Orwall, Caldier, Simmons, Timmons, Reeves, Couture, Thai, Bergquist, Ortiz-Self, Pollet, Santos, Kloba and Davis)

AN ACT Relating to providing funding for school districts to conduct extraordinary numbers of special education eligibility determinations and to subsequently develop individualized education programs for the eligible students; amending RCW 28A.150.392; creating new sections; providing an effective date; and providing an expiration date.

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

SHB 1132 by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Goodman, Rude, Lekanoff, Wylie and Kloba)

AN ACT Relating to oversight and training requirements for limited authority Washington peace officers and agencies; amending RCW 43.101.095, 43.101.276, and 43.101.278; and reenacting and amending RCW 43.101.010 and 43.101.200.

Referred to Committee on Law & Justice.

2SHB 1176 by House Committee on Appropriations (originally sponsored by Slatter, Fitzgibbon, Berry,

Walen, Ramel, Leavitt, Taylor, Callan, Macri, Ryu, Reeves, Reed, Mena, Chopp, Duerr, Thai, Wylie, Ortiz-Self, Stonier, Pollet and Tharinger)

AN ACT Relating to developing opportunities for service and workforce programs to support climate-ready communities; adding new sections to chapter 43.41 RCW; adding new sections to chapter 28C.18 RCW; creating new sections; and repealing RCW 43.330.310, 50.12.320, and 28C.18.170.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1245 by House Committee on Housing (originally sponsored by Barkis, Robertson, Wylie, Fitzgibbon, Peterson, Walsh, Chambers, Kloba, Gregerson, Graham, Waters, Reed, Walen, Christian, Riccelli, Macri, Bateman and Doglio)

AN ACT Relating to increasing housing options through lot splitting; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government, Land Use & Tribal Affairs.

SHB 1254 by House Committee on Finance (originally sponsored by Street, Reed and Ramel)

AN ACT Relating to clarifying ambiguities in statutory provisions administered by the department of revenue relating to periodic adjustments; and amending RCW 53.08.090, 82.12.0203, and 82.21.030.

Referred to Committee on Ways & Means.

SHB 1258 by House Committee on Appropriations (originally sponsored by Ryu, Volz, Steele, Walen, Reeves, Waters, Chambers, Reed, Christian, Cortes, Callan, Schmidt, Barkis and Fosse)

AN ACT Relating to increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements; and amending RCW 43.384.040 and 82.08.225.

Referred to Committee on Business, Financial Services, Gaming & Trade.

ESHB 1260 by House Committee on Appropriations (originally sponsored by Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio and Pollet)

AN ACT Relating to accelerating stability for people with a work-limiting disability or incapacity; amending RCW 74.04.655, 74.04.805, 74.62.005, and 74.62.030; and creating a new section.

Referred to Committee on Human Services.

E2SHB 1320 by House Committee on Appropriations (originally sponsored by Reed, Berry, Ortiz-Self, Ramel, Pollet and Fosse)

AN ACT Relating to access to personnel records; amending RCW 49.12.250; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Commerce.

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2SHB 1433 by House Committee on Appropriations (originally sponsored by Duerr, Ramel, Fitzgibbon, Berry, Reed and Doglio)

AN ACT Relating to energy labeling of residential buildings; adding a new section to chapter 19.27A RCW; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SHB 1435 by House Committee on Health Care & Wellness (originally sponsored by Bronoske, Taylor, Bateman, Ryu, Riccelli, Gregerson, Callan, Pollet, Simmons, Reeves and Doglio)

AN ACT Relating to the development of a home care safety net assessment; adding a new section to chapter 70.127 RCW; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health & Long-Term Care.

2SHB 1452 by House Committee on Appropriations (originally sponsored by Timmons, Harris, Simmons, Rude, Doglio, Pollet, Bateman and Leavitt)

AN ACT Relating to establishing a state medical reserve corps; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SHB 1457 by House Committee on Transportation (originally sponsored by Robertson, Berry, Santos, Reed and Fosse)

AN ACT Relating to a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

HB 1512 by Representatives Mosbrucker, Orwall, Simmons, Jacobsen, Leavitt, Rule, Gregerson, Eslick, Graham, Doglio, Reed and Morgan

AN ACT Relating to providing tools and resources for the location and recovery of missing persons; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SHB 1521 by House Committee on Labor & Workplace Standards (originally sponsored by Bronoske, Stonier, Wylie, Berry and Pollet)

AN ACT Relating to industrial insurance self-insured employer and third-party administrator penalties and duties; amending RCW 51.48.080 and 51.48.017; adding a new section to chapter 51.14 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Commerce.

2SHB 1525 by House Committee on Appropriations (originally sponsored by Fosse, Lekanoff, Farivar, Shavers, Thai, Taylor, Hansen, Alvarado, Senn, Hackney, Wylie, Duerr, Leavitt, Berg, Stearns,

Peterson, Macri, Berry, Cortes, Low, Schmidt, Stonier, Kloba, Robertson, Gregerson, Riccelli, Doglio, Waters, Cheney, Orwall, Connors, Ybarra, Bronoske, Dent, Morgan, Ramel, Donaghy, Goodman, Ryu, Fey, Reed, Davis, Timmons, Street, Simmons, Fitzgibbon, Christian, Santos, Rule, Abbarno, Sandlin, Chopp, Bateman, Rude, Eslick, Ormsby, Reeves, Barkis, Graham, Pollet, Ortiz-Self, Callan and Bergquist)

AN ACT Relating to eligibility for working connections child care benefits for persons participating in state registered apprenticeships; amending RCW 43.216.136; and creating a new section.

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

ESHB 1555 by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Lekanoff, Goodman, Pollet, Davis and Doglio)

AN ACT Relating to extradition of persons to and from Indian jurisdiction; and adding a new section to chapter 10.31 RCW.

Referred to Committee on Law & Justice.

SHB 1572 by House Committee on Civil Rights & Judiciary (originally sponsored by Springer and Orcutt)

AN ACT Relating to venue for actions for the recovery of taxes; amending RCW 84.68.050; creating new sections; and declaring an emergency.

Referred to Committee on Law & Justice.

SHB 1590 by House Committee on Human Services, Youth, & Early Learning (originally sponsored by Dent, Eslick and Caldier)

AN ACT Relating to the membership and subcommittees of the oversight board for children, youth, and families; and amending RCW 43.216.015.

Referred to Committee on Human Services.

HB 1679 by Representatives Rule, Eslick, Reeves, Gregerson and Pollet

AN ACT Relating to modifying and extending requirements of a work group convened to address the needs of students in foster care, experiencing homelessness, or both, by adding reporting and other requirements related to students in or exiting institutional education facilities; amending RCW 28A.300.544; and providing an expiration date.

Referred to Committee on Human Services.

2SHB 1681 by House Committee on Finance (originally sponsored by Stearns, Lekanoff, Davis, Leavitt, Reeves, Pollet and Orwall)

AN ACT Relating to problem gambling; amending RCW 41.05.750, 67.70.340, 82.04.285, 82.04.286, and 9.46.071; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Business, Financial Services, Gaming & Trade.

ESHB 1732 by House Committee on Appropriations (originally sponsored by Bergquist, Stonier, Ormsby and Macri)

AN ACT Relating to changing the inflation adjustment index for state salary allocations to schools; amending RCW 28A.400.205; and creating new sections.

Referred to Committee on Ways & Means.

HB 1777 by Representatives Doglio, Fitzgibbon, Duerr, Lekanoff, Stearns, McEntire, Ramel and Pollet

AN ACT Relating to authorizing the use of performance-based contracting for energy services and equipment; and amending RCW 39.35A.020, 39.35C.010, 39.35C.050, and 39.35C.060.

Referred to Committee on Environment, Energy & Technology.

SHB 1783 by House Committee on Appropriations (originally sponsored by Sandlin, Maycumber, Couture, Chapman, Dent, Eslick and Volz)

AN ACT Relating to supporting economic development in distressed areas through hiring of grant writers; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Business, Financial Services, Gaming & Trade.

#### MOTIONS

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

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

On motion of Senator Pedersen, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

#### MOTION

Senator Fortunato moved adoption of the following resolution:

#### SENATE RESOLUTION 8623

By Senators Fortunato and Wagoner

WHEREAS, United States Border Patrol Agent Donna Marie Doss, a Washington native from Maple Valley, is remembered for proudly and honorably serving our country and her community; and

WHEREAS, She graduated from the Border Patrol Academy in 2005, Doss served on the Drug Enforcement Administration Task Force for over a year at the Washington-Canadian border before relocating to Texas; and

WHEREAS, Doss was stationed in Laredo, Texas, where she served as a supervisor of the horse patrol of the Del Rio Sector, she was relocated in 2017 to Abilene, Texas, where she served as a Resident Agent responsible for all border patrol duties within the Del Rio Sector which comprised eight counties; and

WHEREAS, During her time as the Resident Agent, Doss would travel to local law enforcement offices and stations within her region to provide support and build relationships with her fellow law enforcement officers; and

WHEREAS, Doss was known by her colleagues to be true to her word, coming to the aid of various agencies when called upon; and

WHEREAS, On February 2, 2019, Doss lost her life responding to a call for assistance from the Texas Department of Public Safety near Interstate 20 in Tye, Texas, when she was struck and killed by a passing vehicle; and

WHEREAS, Donna Doss served her country as a United States Border Patrol Agent for more than 15 years, she is survived by her husband, two stepchildren, and sister, and her father, mother, and brother from Enumclaw, Washington; and

WHEREAS, Her memorial held in Abilene, Texas was attended by hundreds of law enforcement agents and personnel from across the country; and

WHEREAS, In 2019, fellow Texas Border Patrol Agents advocated to the United States Congress to change the name of the Rock Springs Border Patrol Station to honor Donna Doss; and

WHEREAS, On May 6, 2022, President Joseph Biden signed legislation dedicating the Donna M. Doss Border Patrol Station in Rock Springs, Texas; and

WHEREAS, In addition, her name was added to the National Monument for Fallen Law Enforcement in Washington, D.C. and the Blaine Standalone Wall Monument;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life and accomplishments of Donna M. Doss for her work, sacrifice, and service to our country and the United States Border Patrol.

Senator Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the the family of Donna Moss; Parents: Donald and Alline McCann; Brother: Bruce McCann; Sister: Sonja St. John; and Brother-in-Law: Roger St. John who were seated in the gallery.

#### MOTION

At 9:12 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Warnick announced a meeting of the Republican Caucus.

Senator Hasegawa announced a meeting or the Democratic Caucus.

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#### MORNING SESSION

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The Senate was called to order at 2:00 p.m. by President Heck.

#### MOTION

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

#### SECOND READING

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SENATE BILL NO. 5128, by Senators Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman and Wilson, C.

Concerning jury diversity.

MOTIONS

On motion of Senator Trudeau, Second Substitute Senate Bill No. 5128 was substituted for Senate Bill No. 5128 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Trudeau, the rules were suspended, Second Substitute Senate Bill No. 5128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau 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 Second Substitute Senate Bill No. 5128.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Frame, Gildon, Hasegawa, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato, Hawkins, MacEwen, McCune, Padden, Schoesler, Short, Wagoner and Warnick

SECOND SUBSTITUTE SENATE BILL NO. 5128, 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. 5046, by Senators Saldaña, Nguyen, Trudeau, Wilson, C., Dhingra, Frame, Kuderer, Nobles, Pedersen and Valdez

Concerning postconviction access to counsel.

MOTION

On motion of Senator Saldaña, Second Substitute Senate Bill No. 5046 was substituted for Senate Bill No. 5046 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 0155 by Senator Padden be adopted:

On page 4, after line 22, insert the following:  
**"NEW SECTION. Sec. 4.** The office of public defense, in consultation with the Washington association of prosecuting

attorneys, shall:

(1) Review and evaluate prosecutor and public defender caseloads regarding personal restraint petitions;

(2) Identify the effects of personal restraint petitions on court resources; and

(3) Report findings and recommendations to the appropriate fiscal and policy committees of the legislature not later than December 1, 2024."

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

Senator Padden spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0155 by Senator Padden on page 4, after line 22 to Second Substitute Senate Bill No. 5046.

The motion by Senator Padden failed and floor amendment no. 0155 was not adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Second Substitute Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña 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 Second Substitute Senate Bill No. 5046.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Warnick, Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5046, 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.

REMARKS BY THE PRESIDENT

President Heck: "The President would like to respectfully ask each member to be sure and announce your vote in a clearly audible fashion. It is not everyone, but there is a handful who seem to have gotten quieter as the session has gone on and we are having some difficulty always recording it accurately. So, with all due respect, please speak up."

SECOND READING

SENATE BILL NO. 5131, by Senators Wilson, C., Frame, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña and Stanford

Concerning money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Boehnke 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. 5131.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5131, 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. 5225, by Senators Wilson, C., Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nguyen, Salomon, Shewmake, Stanford and Valdez

Increasing access to the working connections child care program.

#### MOTIONS

On motion of Senator Wilson, C., Second Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Second Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5225.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5225 and the bill passed the Senate by

the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Gildon, Hasegawa, Holy, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Hawkins, King, McCune, Padden, Schoesler, Short, Warnick, Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5225, 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. 5398, by Senators MacEwen and Wilson, L.

Concerning domestic violence funding allocation.

#### MOTIONS

On motion of Senator MacEwen, Substitute Senate Bill No. 5398 was substituted for Senate Bill No. 5398 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator MacEwen, the rules were suspended, Substitute Senate Bill No. 5398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Dozier, Senator Rivers was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5398.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5398 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5398, 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. 5632, by Senators Keiser, Cleveland, Conway, Hasegawa, Hunt, Kuderer, Lovelett, Stanford, Valdez

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and Wilson, C.

Protecting the health care of workers participating in a labor dispute.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5632.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5632 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Rivers

SENATE BILL NO. 5632, 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. 5497, by Senators Wilson, L. and Rolfes

Concerning medicaid expenditures.

The measure was read the second time.

MOTION

On motion of Senator Wilson, L., the rules were suspended, Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5497.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins,

Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dhingra, Lias and Trudeau

Excused: Senator Rivers

SENATE BILL NO. 5497, 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. 5515, by Senators Dhingra, Conway, Hunt, Kauffman, Kuderer, Lovelett, Nguyen, Nobles, Saldaña, Stanford, Valdez, Wellman and Wilson, C.

Protecting children from child abuse and neglect.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 5515 was substituted for Senate Bill No. 5515 and the substitute bill was placed on the second reading and read the second time. Revised for 1st Substitute: Protecting children from child abuse and neglect.

Senator Dhingra moved that the following floor amendment no. 0056 by Senator Dhingra be adopted:

On page 1, line 6, after "**Sec. 1.**" insert "The legislature finds that there is a lack of oversight of certain residential facilities and residential private schools charged with the care of children."

On page 1, line 11, after "facilities" insert "that otherwise lack nationally recognized accreditation"

On page 1, line 14, after "effectively." insert "Therefore, the legislature resolves to conduct investigations of certain residential facilities and residential private schools when allegations of child abuse or neglect are made at those facilities."

On page 2, line 26, after "department" strike "must" and insert "~~((must)) shall~~"

On page 2, line 26, after "investigate" insert "all"

On page 2, line 34, after "(b)" strike "The" and insert "After investigating an allegation of child abuse or neglect under this section, the"

On page 2, beginning on line 34, after "shall" strike "investigate all alleged incidents of child abuse or neglect."

On page 1, line 2 of the title, after "neglect" insert "at residential facilities and residential private schools"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0056 by Senator Dhingra on page 1, line 6 to Substitute Senate Bill No. 5515.

The motion by Senator Dhingra carried and floor amendment no. 0056 was adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 0167 by Senator Braun be adopted:

On page 1, line 7, after "children" strike "who" and insert

"whether they are residing with their parents or foster parents, or"

On page 1, line 11, after "oversight of" strike "such" and insert "children whose parents are impacted by a substance use disorder, as is the tragic case of Oakley Carlson who remains missing to this day, or are residing in residential"

On page 9, after line 29, insert the following:

"Sec. 7. RCW 13.34.138 and 2021 c 208 s 3 and 2021 c 67 s 5 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than 90 days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department must promptly notify the court; ~~(and)~~

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers; and

(iv) In cases where substance use disorder on the part of the parent was a primary or contributing factor in the removal of the child, demonstrate that the parent has at least six months of sobriety by providing documentation to the court of at least six months of random drug or alcohol testing that occurred at least once per month.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to

the dependency proceeding, create an entitlement to services or a duty on the part of the department to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Within 60 days of the placement of a child in a qualified residential treatment program as defined in this chapter, and at each review hearing thereafter if the child remains in such a program, the following:

(A) Whether ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home;

(B) Whether the child's placement provides the most effective and appropriate level of care in the least restrictive environment;

(C) Whether the placement is consistent with the child's permanency plan;

(D) What specific treatment or service needs will be met in the placement, and how long the child is expected to need the treatment or services; and

(E) What efforts the department has made to prepare the child to return home or be placed with a fit and willing relative as defined in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent, or in a foster family home;

(vii) Whether a parent's experiencing homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department;

(viii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(ix) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(x) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(xi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xii) Whether terms of visitation need to be modified. If the court previously ordered that visitation between a parent and child must be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary after the review hearing. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue;

(xiii) Whether the court-approved long-term permanent plan



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for the child remains the best plan for the child;

(xiv) Whether any additional court orders need to be made to move the case toward permanency; and

(xv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the ~~((child's))~~ parent's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the department's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if ~~((substance abuse or mental illness))~~ a behavioral health disorder was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's experiencing homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(7).

(6) The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan. The lack of sufficient contracted visitation providers will not excuse the failure to provide court-ordered visitation.

**Sec. 8.** RCW 13.34.145 and 2022 c 127 s 1 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent

custody order has not previously been entered. The hearing shall take place no later than 12 months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than 12 months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for 15 months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than 10 working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age 17 years but not older than 17 years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age 18 years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. The court shall find, as of the date of the hearing, that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed with a fit and willing relative. If the child is present at the hearing, the court should ask the child about his or her desired permanency outcome.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the

child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

- (A) Being returned safely to his or her home;
- (B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;
- (C) Being placed for adoption;
- (D) Being placed with a guardian;
- (E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(c) Regardless of whether the primary permanency planning goal has been achieved, for a child who remains placed in a qualified residential treatment program as defined in this chapter for at least 60 days, and remains placed there at subsequent permanency planning hearings, the court shall establish in writing:

(i) Whether ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home;

(ii) Whether the child's placement provides the most effective and appropriate level of care in the least restrictive environment;

(iii) Whether the placement is consistent with the child's short and long-term goals as stated in the child's permanency plan;

(iv) What specific treatment or service needs will be met in the placement, and how long the child is expected to need the treatment or services; and

(v) What efforts the department has made to prepare the child to return home or be placed with a fit and willing relative as defined in RCW 13.34.030, a Title 13 RCW guardian, a guardian pursuant to RCW 11.130.215, an adoptive parent, or in a foster family home.

(5) Following this inquiry, at the permanency planning hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for 15 of the last 22 months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. The six-month period of sobriety required before returning a child to his or her parent under RCW 13.34.138 is not included in the period of time the child is in out-of-home care under this subsection for the purposes of determining whether the court shall order the department to file a termination of parental rights petition.

(a) For purposes of this subsection, "good cause exception" includes but is not limited to the following:

- (i) The child is being cared for by a relative;
- (ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home;
- (iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests;

(iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for 15 of the last 22 months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section;

(v) Where a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals;

(vi) Where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home; or

(vii) The department has not yet met with the caregiver for the child to discuss guardianship as an alternative to adoption or the court has determined that guardianship is an appropriate permanent plan.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

(i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department;

(iv) Information provided by individuals or agencies in a reasonable position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(h) for a parent's failure to complete available treatment.

(6)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(c) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

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(7) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(b) Instruct the department to discuss guardianship as a permanent option for the child with the child's parents and caregiver as an alternative to termination of parental rights and adoption. No child who is placed with a relative or other suitable person may be moved, unless, pursuant to the criteria established in RCW 13.34.130, the court finds that a change in circumstances necessitates a change in placement.

(8) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the department to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every 12 months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) If the court orders the child returned home, casework supervision by the department shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(12) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(13) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (12) of this section are met.

(14) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(15) The approval of a permanency plan that does not

contemplate return of the child to the parent does not relieve the department of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(16) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter."

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

On page 1, line 2 of the title, after "26.44.210" strike "and 74.15.020;" and insert ", 74.15.020, and 13.34.145; reenacting and amending RCW 13.34.138;"

Senator Braun spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 167 by Senator Braun on page 1, line 7 to Substitute Senate Bill No. 5515 was withdrawn.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute Senate Bill No. 5515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Boehnke 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. 5515.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5515 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 5515, 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. 5124, by Senators Trudeau, Randall, Dhingra, Frame, Kauffman, Kuderer, Nguyen, Wellman and Wilson, C.

Supporting guardianships and voluntary placement with nonrelative kin.

MOTIONS

On motion of Senator Trudeau, Substitute Senate Bill No. 5124 was substituted for Senate Bill No. 5124 and the substitute bill was placed on the second reading and read the second time.

Senator Trudeau moved that the following floor amendment no. 0161 by Senator Trudeau be adopted:

On page 6, line 16, after "ages" strike "eighteen to twenty-one" and insert "~~((eighteen to twenty one))~~ 18 to 21"

On page 6, beginning on line 17, after "~~guardianship~~" strike "~~at age sixteen or older~~" and insert ") at age (~~(sixteen))~~ 16 or older"

Senators Trudeau and Boehnke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0161 by Senator Trudeau on page 1, line 16 to Substitute Senate Bill No. 5124.

The motion by Senator Trudeau carried and floor amendment no. 0161 was adopted by voice vote.

On motion of Senator Trudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Trudeau, Boehnke and Kauffman 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. 5124.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 5124, 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. 5477, by Senators Torres, Trudeau, Braun, Muzzall, Billig, Boehnke, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Nguyen, Pedersen, Randall, Saldaña, Salomon, Shewmake, Van De Wege, Wagoner, Warnick and Wilson, C.

Implementing the recommendations of the Washington state missing and murdered indigenous women and people task force.

#### MOTIONS

On motion of Senator Torres, Second Substitute Senate Bill No. 5477 was substituted for Senate Bill No. 5477 and the substitute bill was placed on the second reading and read the

second time.

On motion of Senator Torres, the rules were suspended, Second Substitute Senate Bill No. 5477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Torres, Dhingra, Muzzall and Kauffman 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. 5477.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5477 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

SECOND SUBSTITUTE SENATE BILL NO. 5477, 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. 5243, by Senators Wellman, Hunt, Kuderer, Nobles and Wilson, C.

Concerning high school and beyond planning.

#### MOTION

On motion of Senator Wellman, Second Substitute Senate Bill No. 5243 was substituted for Senate Bill No. 5243 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hawkins moved that the following floor amendment no. 0144 by Senator Hawkins be adopted:

On page 11, line 25, after "assistance" insert ", technology updates, ongoing maintenance requirements, and adjustments to the technology funding formula."

On page 11, line 27, after "platform" insert "in all school districts. In the implementation plan, the office of the superintendent of public instruction may include a cost alternative for educational service districts to host the universal platform for school districts of the second class when such a district does not have sufficient technology resources to implement and maintain the universal platform"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0144 by Senator Hawkins on page 11, line 25 to Second Substitute Senate Bill No. 5243.

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The motion by Senator Hawkins carried and floor amendment no. 0144 was adopted by voice vote.

## MOTION

Senator Wellman moved that the following floor amendment no. 0122 by Senator Wellman be adopted:

On page 12, line 21, after "education" insert "that are authorized to participate in state financial aid programs under chapter 28B.92 RCW"

On page 13, at the beginning of line 22, strike "higher education institutions" and insert "institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW"

On page 14, line 22, after "council," strike "public"

On page 16, line 8, after "education" strike "as defined in RCW 28B.10.016" and insert "~~((as defined in RCW 28B.10.016))~~ that are authorized to participate in state financial aid programs under chapter 28B.92 RCW"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0122 by Senator Wellman on page 12, line 21 to Second Substitute Senate Bill No. 5243.

The motion by Senator Wellman carried and floor amendment no. 0122 was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5243.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5243 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243, 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. 5025, by Senators Dozier, Boehnke, Gildon, Padden, Wagoner and Wilson, J.

Concerning implementation of technology systems at the department of corrections.

## MOTIONS

On motion of Senator Dozier, Substitute Senate Bill No. 5025 was substituted for Senate Bill No. 5025 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dozier, the rules were suspended, Substitute Senate Bill No. 5025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dozier, Wilson, C. and Padden 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. 5025.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5025, 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. 5626, by Senators Liias, Warnick, Hunt, Nobles, Pedersen and Wilson, C.

Expanding and enhancing media literacy and digital citizenship in K-12 education.

## MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5626 was substituted for Senate Bill No. 5626 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5626.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5626 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators McCune, Padden, Short and Torres  
Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5626, 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. 5386, by Senators Robinson, Kuderer, Saldaña and Wilson, C.

Reducing administrative complexity by increasing transparency of revenue flows for activities funded by document recording fees.

## MOTIONS

On motion of Senator Robinson, Substitute Senate Bill No. 5386 was substituted for Senate Bill No. 5386 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Robinson, the rules were suspended, Substitute Senate Bill No. 5386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Robinson and Fortunato 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. 5386.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5386 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5386, 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. 5198, by Senators Frame, Kuderer, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Valdez and Wilson, C.

Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.

## MOTION

On motion of Senator Frame, Second Substitute Senate Bill No. 5198 was substituted for Senate Bill No. 5198 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator McCune moved that the following floor amendment no. 0173 by Senator McCune be adopted:

On page 6, after line 5, insert the following:

"(29) "55-plus manufactured/mobile home community" means a manufactured/mobile home community, mobile home park cooperative, manufactured housing cooperative, mobile home park subdivision, manufactured housing subdivision, mobile home park, or manufactured housing community, in which the residents and tenants are at least 55 years of age and where the majority of homes in the community are permanently affixed on the lot on which they sit."

On page 23, after line 34, insert the following:

"NEW SECTION. Sec. 17. The provisions of this act apply exclusively to 55-plus manufactured/mobile home communities, as defined in RCW 59.20.030."

On page 1, line 5 of the title, after "creating" strike "a new section" and insert "creating new sections"

Senator McCune spoke in favor of adoption of the amendment.

## WITHDRAWAL OF AMENDMENT

On motion of Senator McCune and without objection, floor amendment no. 0173 by Senator McCune on page 6, line 5 to Second Substitute Senate Bill No. 5198 was withdrawn.

## MOTION

Senator Frame moved that the following floor amendment no. 0074 by Senator Frame be adopted:

On page 23, after line 34, insert the following:

"Sec. 17. RCW 59.21.040 and 1998 c 124 s 4 are each amended to read as follows:

A tenant is not entitled to relocation assistance under this chapter if: (1) The tenant has given notice to the landlord of his or her intent to vacate the park and terminate the tenancy before any written notice of closure pursuant to RCW 59.20.080(1)(e) has been given; (2) the tenant purchased a mobile home already situated in the park or moved a mobile home into the park after a written notice of closure pursuant to RCW 59.20.090 has been given and the person received actual prior notice of the change or closure; or (3) the tenant receives assistance from an outside source that exceeds the maximum amounts of assistance to which a person is entitled under RCW 59.21.021(3), except that a tenant receiving relocation assistance from a landlord pursuant to RCW 59.20.080 remains eligible for the maximum amounts of assistance under this chapter. However, no tenant may be denied

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relocation assistance under subsection (1) of this section if the tenant has remained on the premises and continued paying rent for a period of at least six months after giving notice of intent to vacate and before receiving formal notice of a closure or change of use."

On page 1, line 3 of the title, after "59.20.300," strike "and 59.20.305" and insert "59.20.305, and 59.21.040"

Senator Frame spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0074 by Senator Frame on page 23, after line 34 to Second Substitute Senate Bill No. 5198.

The motion by Senator Frame carried and floor amendment no. 0074 was adopted by voice vote.

#### MOTION

On motion of Senator Frame, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Fortunato and Dozier 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. 5198.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5198 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Billig, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, Muzzall, Padden, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, L.

Excused: Senator Rivers

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198, 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.

#### REMARKS BY THE PRESIDENT

President Heck: "The President is going to try this one more time. There have been instances in the past where not only is it difficult to hear the vote being cast by the member but later there was a disagreement to how that vote was cast. Part of the evaluation to confirm either way is to resort to the recording from the ambient mics, nodding heads, shaking heads, speaking very low, does not help. Once again, I ask respectfully, please when you vote, No Senator Muzzall, it obviously doesn't include you, please, please speak up."

#### SECOND READING

SENATE BILL NO. 5197, by Senators Kuderer, Saldaña, Frame, Nguyen, Nobles, Wellman and Wilson, C.

Addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes.

#### MOTION

On motion of Senator Frame, Substitute Senate Bill No. 5197 was substituted for Senate Bill No. 5197 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Mullet moved that the following floor amendment no. 0140 by Senator Mullet be adopted:

On page 2, beginning on line 21, after "until" strike all material through "restitution" on line 23 and insert "five court days have expired after entry of the judgment, unless the tenant provides a pledge of financial assistance letter from a government or nonprofit entity, in which case the tenant has until the date of eviction"

On page 7, at the beginning of line 14, strike all material through "application)" and insert "within (~~thirty~~) 30 days from submission of the application"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0140 by Senator Mullet on page 2, line 21 to Substitute Senate Bill No. 5197.

The motion by Senator Mullet carried and floor amendment no. 0140 was adopted by voice vote.

#### MOTION

On motion of Senator Frame, the rules were suspended, Engrossed Substitute Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frame spoke in favor of passage of the bill.

Senator Fortunato 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. 5197.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 5197, 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. 5174, by Senators Wellman, Conway, Dhingra, Frame, Hunt, Kuderer, Lovelett, Rolfes, Valdez, Warnick and Wilson, C.

Providing adequate and predictable student transportation.

## MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5174 was substituted for Senate Bill No. 5174 and the substitute bill was placed on the second reading and read the second time.

Senator Wellman moved that the following floor amendment no. 0087 by Senator Wellman be adopted:

On page 2, line 8, after "expenditures" strike "attributable to serving special passengers exceeds" and insert "exceed"

On page 2, line 9, after "RCW" strike "28A.160.180" and insert "28A.160.150 through 28A.160.192"

On page 2, line 11, after "agencies." insert "A transportation safety net award may not exceed a school district's excess expenditures directly attributable to serving special passengers in the pupil transportation program."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0087 by Senator Wellman on page 2, line 8 to Second Substitute Senate Bill No. 5174.

The motion by Senator Wellman carried and floor amendment no. 0087 was adopted by voice vote.

## MOTION

Senator Hasegawa moved that the following floor amendment no. 0068 by Senator Hasegawa be adopted:

On page 3, after line 26, insert the following:

"**Sec. 4.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1)(a) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987.

(b) Any pupil transportation services contract entered into, renewed, or extended after September 1, 2023, must require the contractor to provide benefits comparable to the school employees' benefits board program and school employees' retirement system to employees and include:

(i) Sufficient funds specifically for the contracting employer to provide the employees of the contractor with an employer health benefits contribution equal to the monthly school employer funding rate for the school employees' benefits board program,

less the retiree remittance for the public employees' benefits board; and

(ii) An amount equivalent to the plans 2 and 3 normal cost employer contribution rate of the school employees' retirement system, multiplied by the estimated salaries of the employees of the contractor.

(2) As used in this section:

((4)) (a) "Employees of the contractor" means employees working sufficient compensated hours for the contracting employer performing services on the contract with the school district to meet the eligibility requirements for the school employees' benefits board program if the employees were directly employed by a school district;

(b) "Open competitive process" means either one of the following, at the choice of the school district:

((5)) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

((6)) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

((7)) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

((8)) (d) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) Subject to amounts appropriated for this purpose, the office of the superintendent of public instruction must provide a one-time supplemental transportation allocation to school districts that experience an increase in costs to pupil transportation services contracts due to RCW 28A.160.140(1)(b).

(2) To be eligible for supplemental transportation allocations, a school district must report to the office of the superintendent of public instruction the number of employees under pupil transportation services contracts that worked at least 630 hours in performing services on the contract with the school district in the school year prior to entering a contract subject to RCW 28A.160.140.

(3) Amounts provided under this section may only be used by school districts as payments under pupil transportation services contracts for employee compensation.

(4) A supplemental transportation allocation under this section may not exceed \$200 per employee per month for contracted employees reported under subsection (2) of this section."

On page 1, line 2 of the title, after "transportation;" insert "amending RCW 28A.160.140;"

Senator Hasegawa spoke in favor of adoption of the amendment.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa and without objection, floor amendment no. 0068 by Senator Hasegawa on page 3, line 26 to Second Substitute Senate Bill No. 5174 was withdrawn.

## MOTION



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On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5174.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5174 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174, 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. 5311, by Senators Wellman, Braun, Dhingra, Hunt, Kuderer, Mullet, Nguyen, Nobles, Pedersen, Torres and Wilson, C.

Concerning special education funding formula.

#### MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5311 was substituted for Senate Bill No. 5311 and the substitute bill was placed on the second reading and read the second time.

Senator Wellman moved that the following floor amendment no. 0153 by Senator Wellman be adopted:

On page 2, beginning on line 8, after "the" strike all material through "1.06" on line 21 and insert "special education cost multiplier rate of:

(A) ~~((In the 2019-20 school year, 0.995 for students eligible for and receiving special education.~~

~~(B))~~ Beginning in the 2020-21 school year, either:

(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for ~~((eighty))~~ 80 percent or more of the school day; or

(II) 0.995 for students eligible for and receiving special education and reported to be in the general education setting for less than ~~((eighty))~~ 80 percent of the school day;

(B) Beginning in the 2023-24 school year, either:

(I) 1.12 for students eligible for and receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or

(II) 1.06 for students eligible for and receiving special education and reported to be in the general education setting for less than 80 percent of the school day"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0153 by Senator Wellman on page 2, line 8 to Second Substitute Senate Bill No. 5311.

The motion by Senator Wellman carried and floor amendment no. 0153 was adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 0168 by Senator Padden be adopted:

On page 2, line 26, after "percent." insert "This adjustment must not be applied if a school district draws a larger number of families with children in need of special education services, when compared to school districts of a similar size, due to the proximity of group homes."

Senator Padden spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 0168 by Senator Padden on page 2, line 26 to Second Substitute Senate Bill No. 5311 was withdrawn.

#### MOTION

Senator Wellman moved that the following floor amendment no. 0096 by Senators Wellman and Braun be adopted:

Beginning on page 5, line 27, after "(b)" strike all material through "excluded." on page 6, line 3 and insert "Beginning in the 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed:

(i) 2 times the average per-pupil expenditure, for school districts with fewer than 1,000 full-time equivalent students;

(ii) 2.2 times the average per-pupil expenditure, for school districts with 1,000 or more full-time equivalent students.

(c) For purposes of (b) of this subsection, "average per-pupil expenditure" has the same meaning as in 20 U.S.C. Sec. 7801, the every student succeeds act of 2015, and excludes safety net funding provided in this section."

On page 6, beginning on line 4, strike all of section 3 and insert the following:

"**Sec. 3.** RCW 43.06B.010 and 2013 c 23 s 82 are each amended to read as follows:

(1) There is hereby created the office of the education ombuds within the office of the governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, and advocating on behalf of elementary and secondary students.

(2)(a) The governor shall appoint an ombuds who shall be a person of recognized judgment, independence, objectivity, and integrity and shall be qualified by training or experience or both in the following areas:

- (i) Public education law and policy in this state;
- (ii) Dispute resolution or problem resolution techniques, including mediation and negotiation; and
- (iii) Community outreach.

(b) The education ombuds may not be an employee of any school district, the office of the superintendent of public instruction, or the state board of education while serving as an education ombuds.

(3) Before the appointment of the education ombuds, the governor shall share information regarding the appointment to a six-person legislative committee appointed and comprised as follows:

(a) The committee shall consist of three senators and three members of the house of representatives from the legislature.

(b) The senate members of the committee shall be appointed by the president of the senate. Two members shall represent the majority caucus and one member the minority caucus.

(c) The house of representatives members of the committee shall be appointed by the speaker of the house of representatives. Two members shall represent the majority caucus and one member the minority caucus.

(4) If sufficient appropriations are provided, the education ombuds shall delegate and certify regional education ombuds. The education ombuds shall ensure that the regional ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombuds services.

(5)(a) Subject to amounts appropriated for this specific purpose, the education ombuds shall delegate and certify at least one special education ombuds to serve each educational service district region. The education ombuds shall ensure that the special education ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, educational service district, or current employee of a school, school district, educational service district, or the office of the superintendent of public instruction for the provision of special education ombuds services.

(b) Special education ombuds must serve as a resource for students eligible for special education services and their parents, including:

(i) Advocating on behalf of the student for a free and appropriate public education from the public school system that emphasizes special education and related services that are:

(A) Provided in the least restrictive environment;

(B) Designed to meet the student's unique needs;

(C) Appropriately ambitious and reasonably calculated to enable a student to make progress in light of the student's circumstances; and

(D) Addressing the student's further education, employment, and independent living goals.

(ii) Assisting students and parents with individualized education program development, including:

(A) Preparing for a meeting to develop or update a student's individualized education program;

(B) Attending individualized education program meetings to help present the parents' concerns, negotiate components that meet the parents' goals and requests, or otherwise assist the parent in understanding and navigating the individualized education program process; and

(C) Attending an individualized education program meeting to

assist in writing an appropriate program when a parent opts out or otherwise cannot attend.

On page 6, line 35, after "eligible" insert "for"

On page 7, beginning on line 3, after "instruction" strike "and the state auditor"

On page 7, line 11, after "individualized education" strike "plan" and insert "program"

On page 7, line 12, after "individualized education" strike "plan" and insert "program"

On page 1, beginning on line 2 of the title, after "28A.150.390" strike all material through "28A.310 RCW" on line 3 and insert ", 28A.150.392, and 43.06B.010"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0096 by Senators Wellman and Braun on page 5, line 27 to Second Substitute Senate Bill No. 5311.

The motion by Senator Wellman carried and floor amendment no. 0096 was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Braun 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. 5311.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5311 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5311, 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. 5512, by Senators Holy, Liias, Rivers, Salomon, Wilson, J., Schoesler, Torres, Wilson, L., MacEwen, Dozier, Wagoner, Warnick, Gildon, McCune, Short, King, Braun, Muzzall, Nguyen, Billig and Boehnke

Adding financial transparency reporting requirements to the public four-year dashboard.

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## MOTION

On motion of Senator Holy, Substitute Senate Bill No. 5512 was substituted for Senate Bill No. 5512 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Hasegawa moved that the following floor amendment no. 0123 by Senator Hasegawa be adopted:

On page 4, line 2, after "student;" strike "and"

On page 4, line 4, after "holdings" insert "; and

(aa) Total annual market value of college or university endowment earnings, the amount of the annual earnings that remain in the endowment after fees are removed, and the percentage of the annual remaining endowment earnings after fees are removed to total annual market value of college or university endowment earnings"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0123 by Senator Hasegawa on page 4, line 2 to Substitute Senate Bill No. 5512.

The motion by Senator Hasegawa carried and floor amendment no. 0123 was adopted by voice vote.

## MOTION

On motion of Senator Holy, the rules were suspended, Engrossed Substitute Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy and Randall 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. 5512.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 5512, 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. 5593, by Senators Liias, Holy, Mullet, Lovick and Wilson, C.

Improving equity in the transfer of student data between K-12

schools and institutions of higher education.

## MOTIONS

On motion of Senator Liias, Second Substitute Senate Bill No. 5593 was substituted for Senate Bill No. 5593 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5593.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Frame, Hasegawa, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Fortunato, Gildon, Hawkins, McCune, Padden, Rolfes, Short and Wilson, J.

Excused: Senator Rivers

SECOND SUBSTITUTE SENATE BILL NO. 5593, 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. 5403, by Senators Schoesler, Wellman, Torres, Boehnke, Muzzall, Dozier, Kuderer, Randall, Wilson, C. and Wilson, L.

Establishing school district depreciation subfunds for the purposes of preventative maintenance.

The measure was read the second time.

## MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Wellman 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. 5403.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

SENATE BILL NO. 5403, 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 5:36 p.m., on motion of Senator Pedersen, 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 Warnick announced a meeting of the Republican Caucus.

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#### EVENING SESSION

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The Senate was called to order at 9:49 p.m. by President Heck.

#### SECOND READING

SENATE BILL NO. 5536, by Senators Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Nobles, Randall, Stanford, Wellman and Wilson, C.

Concerning controlled substances, counterfeit substances, and legend drug possession and treatment.

#### MOTION

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

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Nguyen and without objection, floor amendment no. 0094 by Senator Nguyen on page 14, line 28 to Second Substitute Senate Bill No. 5536 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Mullet and without objection, floor amendment no. 0079 by Senator Mullet on page 36, line 34 to Second Substitute Senate Bill No. 5536 was withdrawn.

#### MOTION

Senator Robinson moved that the following striking floor amendment no. 0154 by Senator Robinson be adopted:

Strike everything after the enacting clause and insert the

following:

**"NEW SECTION. Sec. 1.** The legislature finds that substance use disorders are a public health issue. Solutions must address not only the criminal legal response, but be data-driven, evidence-based, and represent best practices, working directly with people who use drugs to prevent overdose and infectious disease transmission, and improve the physical, mental, and social well-being of those served. The state must follow principles of harm reduction, which means practical strategies aimed at reducing negative consequences associated with drug use. Harm reduction involves safer use of supplies as well as care settings, staffing, and interactions that are person-centered, supportive, and welcoming.

The legislature finds that the recommendations of the substance use recovery services advisory committee reflect hours of diligent work by individuals with a range of professional and personal experience, who brought that experience to the committee, and whose expertise is reflected in the recommendations.

#### **Part I – Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug**

**Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to ~~((create, deliver, or possess a counterfeit substance))~~:

(a) Create or deliver a counterfeit substance; or

(b) Knowingly possess a counterfeit substance.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five thousand dollars))~~ \$25,000, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five thousand dollars))~~ \$25,000, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3)(a) A violation of subsection (1)(b) of this section is a gross misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(b) of this section, the court shall advise the defendant of the pretrial diversion program as indicated in section 10(2) of this act.

**Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to read as follows:

(1) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner

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while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2)(a) Except as provided in RCW 69.50.4014, ~~((any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW))~~ a violation of this section is a gross misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of this section, the court shall advise the defendant of the availability of the pretrial diversion program as indicated in section 10(2) of this act.

(3)(a) The possession, by a person ~~((twenty-one))~~ 21 years of age or older, of useable cannabis, cannabis concentrates, or cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of cannabis, useable cannabis, cannabis concentrates, and cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person ~~((twenty-one))~~ 21 years of age or older to one or more persons ~~((twenty-one))~~ 21 years of age or older, during a single ~~((twenty-four))~~ 24 hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

- (i) One-half ounce of useable cannabis;
- (ii) Eight ounces of cannabis-infused product in solid form;
- (iii) ~~((Thirty-six))~~ 36 ounces of cannabis-infused product in liquid form; or
- (iv) Three and one-half grams of cannabis concentrates.

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

- (i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or
- (ii) The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under ~~((twenty-one))~~ 21 years of age may ~~((possess,))~~ manufacture, sell, ~~((or))~~ distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

**Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to read as follows:

- (1) Except as provided in RCW 69.50.401(2)(c) or as otherwise

authorized by this chapter, any person found guilty of knowing possession of ~~((forty))~~ 40 grams or less of cannabis is guilty of a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(2) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(3) Upon arraignment for violation of this section, the court shall advise the defendant of the availability of the pretrial diversion program as indicated in section 10(2) of this act.

**Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell~~((s))~~ or deliver any legend drug, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony

punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving knowing possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(c) In lieu of jail booking and referral to the prosecutor for a violation of this section involving knowing possession, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(d) Upon arraignment for a violation of this section involving knowing possession, the court shall advise the defendant of the availability of the pretrial diversion program as indicated in section 10(2) of this act.

**Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, district court, or municipal court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, knowingly possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol bureau of forensic laboratory services shall aim to complete the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1)(b), 69.50.4013, or 69.41.030 within 45 days of receipt of the request for analysis.

The Washington state patrol bureau of forensic laboratory services' failure to comply with this section shall not constitute grounds for dismissal of a criminal charge.

**NEW SECTION. Sec. 8.** The following sums, or as much thereof as may be necessary, are each appropriated to the Washington state patrol: \$780,000 from the state general fund for the fiscal year ending June 30, 2024; and \$425,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this section are provided solely to support the Washington state patrol bureau of forensic laboratory services in completing the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1)(b), 69.50.4013, or 69.41.030 within 45 days of receipt of the request for analysis.

## **Part II – Relating to Drug Paraphernalia**

**Sec. 9.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells (~~or gives,~~) or permits to be sold (~~or given~~) to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, (~~testing,~~ ~~analyzing,~~) packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes; and

(j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits (~~legal~~) distribution (~~of injection~~) or use of public health supplies including, but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health (and) programs, community-based HIV prevention programs, and pharmacies. Public health and syringe service program staff taking samples of substances and using drug testing equipment for the purpose of analyzing the composition of the substances or detecting the presence of certain substances are acting legally and are exempt from arrest and prosecution under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030.

**Part III - Creating a Pretrial Diversion Program for Individuals Charged with Possession and Vacating Possession Convictions**

**NEW SECTION. Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Nothing in this section prevents the defense, with the consent of the prosecutor as required by RCW 2.30.030, from seeking to resolve charges of possession under RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030 through available therapeutic courts or other alternatives to prosecution.

(2) For any charged violation of RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030, the court shall advise the defendant and his or her attorney of the pretrial diversion program. This notification must include all of the following:

(a) A full description of the procedures for pretrial diversion;

(b) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in the process;

(c) A clear statement that the court may grant pretrial diversion with respect to any offense under RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030 that is charged, provided that the defendant pleads not guilty to the charge or charges, waives the right to a speedy trial and that upon the defendant's

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successful completion of the program, as specified in subsection (11)(d) of this section, the positive recommendation of the program authority and motion of the defendant, prosecuting attorney, the court, or the probation department, the court must dismiss the charge or charges against the defendant;

(d) A clear statement that if the defendant has not substantially complied with services provided that are appropriate to the defendant's circumstances, the prosecuting attorney may make a motion to terminate pretrial diversion and schedule further proceedings as otherwise provided in this section; and

(e) An explanation of criminal record retention and disposition resulting from participation in the pretrial diversion program and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion of the program.

(3) Upon a motion of the defendant and agreement to waive his or her right to a speedy trial if granted pretrial diversion, the court may grant the motion and continue the hearing and refer the defendant for an assessment by any substance use disorder treatment program as designated in chapter 71.24 RCW.

(4)(a) For defendants who agree to participate in the diversion program, the state shall make resources available to assist the defendant in obtaining a substance use disorder evaluation within seven days of the defendant's agreement to participate in the diversion program. The substance use evaluation must be provided at no expense to defendants who qualify for public defense services or who are found to be indigent by the court. The evaluation must be provided at a location that is accessible to the defendant, and the court must provide the defendant with transportation assistance if such assistance is necessary to make the evaluation accessible to the defendant. The court may contract with a third party to provide substance use disorder assessments and services, which may be collocated at the court or be provided at alternative locations.

(b) The state shall reimburse local courts for costs associated with the substance use disorder assessments and related travel under this subsection.

(5) The treatment program must make a written report to the court stating its findings and recommendations after the examination. The report shall be filed under seal with the court.

(6) The report with the treatment or service plan must be filed with the court and a copy given to the prosecutor, the defendant, and the defendant's counsel.

(7) Subject to the availability of funds appropriated for this purpose, the assessment and recommended services or treatment must be provided at no cost for individuals who have been found to be indigent by the court.

(8) No statement, or any information procured therefrom relating to the charge for which the defendant is receiving treatment or services, made by the defendant to any treatment or service provider, that is made during the course of any assessment or services provided by the treatment program pursuant to subsections (4) through (6) of this section, and before the reporting of the findings and recommendations to the court, may be admissible in any action or proceeding brought subsequent to the investigation.

(9) A defendant's participation in pretrial diversion under this section does not constitute a conviction, a stipulation to facts, or an admission of guilt for any purpose.

(10) At the time that pretrial diversion is granted, any bail bond on file by or on behalf of the defendant must be exonerated, and the court must enter an order so directing.

(11)(a) If it appears to the prosecuting attorney that the defendant is not substantially complying in the recommended treatment or services, that the defendant is convicted of an offense

that reflects the defendant's propensity for violence, that the defendant is charged with a subsequent violation of RCW 69.50.4011(1)(b), 69.50.4013, or 69.41.030, or that the defendant is convicted of a felony, the prosecuting attorney may make a motion for termination from pretrial diversion.

(b) After notice to the defendant, the court must hold a hearing to determine whether pretrial diversion shall be terminated.

(c) If the court finds that the defendant is not substantially complying in the recommended treatment or services, or the court finds that the defendant has been convicted of an intervening crime as indicated in (a) of this subsection, the court must schedule the matter for further proceedings.

(d) If the defendant has successfully completed pretrial diversion, including meaningful engagement with recommended treatment or services, at the end of that period, the criminal possession charge or charges must be dismissed.

**NEW SECTION. Sec. 11.** A new section is added to chapter 69.50 RCW to read as follows:

(1) In courts of limited jurisdiction, an individual who is convicted of a violation of RCW 69.50.4011(1)(b), 69.50.4013, or 69.41.030(2)(b) shall be sentenced as follows:

(a) For individuals convicted of a violation of RCW 69.50.4011(1)(b) or 69.50.4013, if the sentenced individual agrees as a condition of probation to submit to a substance use disorder assessment and comply with recommended treatment, to a term of confinement of up to 364 days all of which shall be suspended for a period not to exceed two years. The court shall give the individual credit for all confinement time served before the sentence if the confinement was solely in regard to the offense for which the individual is being sentenced;

(b) For individuals convicted of a violation of RCW 69.41.030(2)(b), if the sentenced individual agrees as a condition of probation to submit to a substance use disorder assessment and comply with recommended treatment, to a term of confinement of up to 90 days all of which shall be suspended for a period not to exceed one year; and

(c) For individuals convicted of a violation of RCW 69.50.4011(1)(b), 69.50.4013, or 69.41.030(2)(b) where the legend drug is classified as schedule II substance under RCW 69.50.206, if the sentenced individual refuses to submit to a substance use disorder assessment and comply with the recommended treatment as a condition of probation, to imprisonment for a term of not less than 21 days. The sentencing court shall give the individual credit for all confinement time served before the sentencing if the confinement was solely in regard to the offense for which the individual is being sentenced.

(2) For individuals sentenced under subsection (1)(a) or (b) of this section, the court shall order as a condition of probation the individual to submit to a substance use disorder assessment and comply with the recommended treatment.

(a) The court shall assist the defendant in obtaining a substance use disorder evaluation within seven days of the defendant's agreement to participate in the diversion program. The substance use evaluation shall be provided at no expense to defendants who qualify for public defense services or who are found to be indigent by the court. The evaluation shall be provided at a location that is accessible to the defendant, and the court shall provide the defendant with transportation assistance if such assistance is necessary to make the evaluation accessible to the defendant. The court may contract with a third party to provide substance use disorder assessments and services, which may be collocated at the court or be provided at alternative locations. The state shall reimburse local courts for costs associated with the substance use disorder assessments under this subsection.

(b) A diagnostic evaluation and treatment recommendation

shall be prepared by a substance use disorder treatment program licensed or certified by the department of health or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and filed under seal. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more intensive treatment in an approved treatment program licensed or certified by the department of health.

(c) The diagnostic evaluation and treatment recommendation shall include the following:

- (i) Type of treatment;
- (ii) Nature of treatment;
- (iii) Length of treatment;
- (iv) A treatment time schedule; and
- (v) Approximate cost of the treatment.

(3) A person subject to substance use disorder assessment and treatment shall be required by the court to complete a course in an alcohol and drug information school certified by the department of health or to complete more intensive treatment in a treatment program licensed or certified by the department of health, as determined by the court.

(4) All individuals providing treatment under this section shall implement the integrated and comprehensive screening and assessment process for co-occurring substance use and mental health disorders adopted under RCW 71.24.630.

(5) Any agency that provides treatment ordered under this section, must report to the appropriate probation department where applicable, otherwise to the court, any noncompliance by a person with the conditions of the person's ordered treatment.

(6) Subject to the availability of funds appropriated for this purpose, the substance use disorder assessment and recommended treatment as ordered by the court shall be provided at no cost for sentenced individuals who have been found to be indigent by the court.

(7) As a condition of probation, the sentenced individual must comply with the treatment recommendations of the substance use disorder assessment.

(8)(a) If it appears to the prosecuting attorney or the court, that the sentenced individual is performing unsatisfactorily in the recommended treatment program, the prosecuting attorney, or the court on its own, shall make a motion for a hearing to consider sanctions. After notice to the sentenced individual, the court shall hold a hearing to determine if a sanction or revocation of the individual's suspended sentence, or any part thereof, is warranted under RCW 3.50.340 or 3.66.069.

(b) The court may not sanction an individual for failing to comply with the recommended treatment if the court finds the sentenced individual has made reasonable efforts to comply with the recommended treatment but cannot comply either due to a lack of available treatment or, for sentenced individuals found to be indigent by the court, due to a lack of funding for treatment.

(9) For individuals sentenced under subsection (1)(a) of this section, if at any point the court finds by a preponderance of the evidence that the sentenced individual has willfully abandoned or demonstrated a consistent failure to comply with the recommended treatment, the court shall reinstate a portion of the individual's suspended sentence as follows:

(a) For an individual's first instance of being sentenced under this section, the court shall use its discretion in determining an appropriate amount of time of the individual's suspended sentence to reinstate given the facts and circumstances of the particular case;

(b) For an individual's second instance of being sentenced under this section, the court shall reinstate no less than 21 days of

the individual's suspended sentence; and

(c) For an individual's third instance of being sentenced under this section, the court shall reinstate no less than 45 days of the individual's suspended sentence.

(10) For individuals sentenced under subsection (1)(a) of this section, the court may deem any subsequent charge filed against the individual for violation of RCW 69.50.4011(1)(b), 69.50.4013, or 69.41.030 a willful abandonment of treatment.

(11) If the individual has successfully completed the recommended treatment program, the individual must file proof of successful completion with the court at which time the court must terminate probation and enter an order vacating the individual's conviction under RCW 9.96.060(6).

**Sec. 12.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that



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prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of RCW 9.96.080. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in RCW 9.96.080 is subject to subsections ~~((6) and))~~ (7) and (8) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor cannabis offense,

who was ~~((twenty-one))~~ 21 years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor cannabis offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) If an individual who successfully completes a substance use disorder treatment program as required under section 11 of this act files proof of completion with the court, upon verification that the individual successfully completed the substance use disorder treatment program, the court must vacate the conviction or convictions.

(7) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

~~((7))~~ (8)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle (RCW 10.99.040, 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070, or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence protection order or vulnerable adult protection order entered under chapter 7.105 RCW. A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

~~((8))~~ (9) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of

the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

~~((9))~~ (10) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101.

#### Part IV – Opioid Treatment Rural Access and Expansion

**Sec. 13.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance ~~((abuse))~~ use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 ~~((6) or (15))~~ (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other health care services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages

based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**Sec. 14.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, the authority shall ~~((implement a pilot project))~~ administer a grant program for law enforcement assisted diversion which shall adhere to law enforcement assisted diversion core principles recognized by the law enforcement assisted diversion national support bureau, the efficacy of which have been demonstrated in peer-reviewed research studies.

(2) ~~((Under the pilot project, the))~~ The authority must partner with the law enforcement assisted diversion national support bureau to award ~~((a contract))~~ contracts, subject to appropriation, for ~~((two or more geographic areas))~~ jurisdictions in the state of Washington for law enforcement assisted diversion. Cities, counties, and tribes ~~((may compete for participation in a pilot project)),~~ subdivisions thereof, public development authorities, and community-based organizations demonstrating support from necessary public partners, may serve as the lead agency applying for funding. Funds may be used to scale existing projects, and to invite additional jurisdictions to launch law enforcement assisted diversion programs.

(3) The ~~((pilot projects))~~ program must provide for securing comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program ~~((in the pilot project's geographic areas))~~ in a way that ensures fidelity to the research-based law enforcement assisted diversion model. Sufficient funds must be allocated from grant program funds to secure technical assistance for the authority and for the implementing jurisdictions.

(4) The key elements of a law enforcement assisted diversion ~~((pilot project))~~ program must include:

(a) Long-term case management for individuals with substance use disorders;

(b) Facilitation and coordination with community resources focusing on overdose prevention;

(c) Facilitation and coordination with community resources focused on the prevention of infectious disease transmission;

(d) Facilitation and coordination with community resources providing physical and behavioral health services;

(e) Facilitation and coordination with community resources providing medications for the treatment of substance use disorders;

(f) Facilitation and coordination with community resources focusing on housing, employment, and public assistance;

(g) ~~((Twenty-four))~~ 24 hours per day and seven days per week response to law enforcement for arrest diversions; and

(h) Prosecutorial support for diversion services.

(5) No civil liability may be imposed by any court on the state

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or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a law enforcement assisted diversion program or activities carried out within the purview of a grant received under this program except upon proof of bad faith or gross negligence.

**Sec. 15.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of ~~((a))~~ an opioid treatment program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable conditions for the siting of programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes;

(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) ~~((A))~~ No city or county legislative authority may impose a maximum capacity for ((a)) an opioid treatment program ((of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county)).

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) Opioid treatment programs may order, possess, dispense,

and administer medications approved by the United States food and drug administration for the treatment of opioid use disorder, alcohol use disorder, tobacco use disorder, and reversal of opioid overdose. For an opioid treatment program to order, possess, and dispense any other legend drug, including controlled substances, the opioid treatment program must obtain additional licensure as required by the department, except for patient-owned medications.

(5) Opioid treatment programs may accept, possess, and administer patient-owned medications.

(6) Registered nurses and licensed practical nurses may dispense up to a ~~((thirty-one))~~ 31 day supply of medications approved by the United States food and drug administration for the treatment of opioid use disorder to patients of the opioid treatment program, under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) Engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and

(b) Provides a comprehensive range of medical and rehabilitative services.

(8) A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program.

**NEW SECTION. Sec. 16.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment programs in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment programs in underserved areas such as central and eastern Washington and rural areas.

**Sec. 17.** RCW 10.31.110 and 2021 c 311 s 6 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a crime, and the individual is known by history or consultation with the behavioral health administrative services organization, managed care organization, crisis hotline, local crisis services providers, or community health providers to have a mental disorder or substance use disorder, in addition to existing authority under state law or local policy, as an alternative to arrest, the arresting officer is authorized and encouraged to:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(b) Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(c) Refer the individual to a designated crisis responder for evaluation for initial detention and proceeding under chapter 71.05 RCW;

(d) Release the individual upon agreement to voluntary participation in outpatient treatment;

(e) Refer the individual to youth, adult, or geriatric mobile

crisis response services, as appropriate; or

(f) Refer the individual to the regional entity responsible to receive referrals in lieu of legal system involvement, including the recovery navigator program described in RCW 71.24.115.

(2) If the individual is released to the community from the facilities in subsection (1)(a) through (c) of this section, the mental health provider or substance use disorder professional shall make reasonable efforts to inform the arresting officer of the planned release prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer must be guided by local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, if available, the substance use disorder history of the individual, if available, the opinions of a mental health professional, if available, the opinions of a substance use disorder professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying the individual from referral to treatment under this section, and define the circumstances under which such action is permissible. Referrals to services, care, and treatment for substance use disorder must be made in accordance with protocols developed for the recovery navigator program described in RCW 71.24.115.

(4) Any agreement to participate in treatment or services in lieu of jail booking or referring a case for prosecution shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in the alternative response described in this section. Any agreement is inadmissible in any criminal or civil proceeding. Such agreements do not create immunity from prosecution for the alleged criminal activity.

(5) If there are required terms of participation in the services or treatment to which an individual was referred under this section, and if the individual violates such terms and is therefore no longer participating in services:

(a) The behavioral health or service provider shall inform the referring law enforcement agency of the violation, if consistent with ~~((the terms of the program and))~~ applicable law; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly ~~((, unless filing or referring the charges is inconsistent with the terms of a local diversion program or a recovery navigator program described in RCW 71.24.115)).~~

(6) The police officer is immune from liability for any good faith conduct under this section.

**NEW SECTION. Sec. 18.** RCW 10.31.115 (Drug possession—Referral to assessment and services) and 2021 c 311 s 13 are each repealed.

**Part V – Providing Legal Advocacy for Parents and Families Affected by Substance Use Disorders in Dependency and Child Custody Cases**

**NEW SECTION. Sec. 19.** A new section is added to chapter 26.12 RCW to read as follows:

(1) In any parenting plan or child custody proceeding in which the court determines that a child's parent, guardian, or custodian is affected by substance use disorders, mental health disorders, or

behavioral health concerns such that it leaves the parent, guardian, or custodian unable to adequately represent his or her own interests or his or her parental rights may be restricted, either by way of long-term supervision or limited contact with the child, the parent, guardian, or custodian may have the right to court-appointed counsel, who, if appropriate, must have understanding of the Indian child welfare act and knowledge about tribal child welfare systems. In determining whether to appoint counsel, the court must consider the financial ability of the parties, the degree such disorder impacts the ability of the parent, guardian, or custodian to understand the proceedings and represent their own interests, and any professional assessment or evaluation or any other evidence submitted to the court on the parent, guardian, or custodian's behalf.

(2) The court may, in its discretion, appoint counsel for the child or a guardian ad litem as set forth in RCW 26.09.110 and 26.09.220.

**Part VI – Funding, Promotion, and Training for Recovery Residences**

**NEW SECTION. Sec. 20.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of amounts provided for this specific purpose, the authority shall:

(1) Make sufficient funding available to support establishment of an adequate and equitable stock of recovery residences in each region of the state, including by expansion of a revolving fund program to make loans or grants available for recovery residence operators to use for necessary capital expenses;

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting for treatment or who have returned to use and need a place to stay while negotiating a return to stable housing;

(3) Conduct outreach to underserved and rural areas to support the development of recovery housing, including adequate resources for women, LGBTQIA+ communities, and youth; and

(4) Develop a training for housing providers by January 1, 2024, to assist them with providing appropriate service to LGBTQIA+ communities, including consideration of topics like harassment, communication, antiracism, diversity, and gender affirming behavior, and ensure applicants for grants or loans related to recovery residences receive access to the training.

**Sec. 21.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to read as follows:

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or  
(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) The real and personal property used by a nonprofit organization in maintaining an approved recovery residence registered under RCW 41.05.760 is exempt from taxation if:

(a) The charge for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or  
(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(3) As used in this section:

(a) "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor

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sufficient funds to purchase or rent a place to stay.

(b) "Emergency housing" means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

(c) "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

~~((3))~~ (d) "Recovery residence" has the same meaning as under RCW 41.05.760.

(4) The exemption in subsection (2) of this section applies to taxes levied for collection in calendar years 2024 through 2033.

(5) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

NEW SECTION. Sec. 22. (1) This section is the tax preference performance statement for the tax preference contained in section 21, chapter . . . , Laws of 2023 (section 21 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) By exempting property used by nonprofit organizations maintaining approved recovery residences, it is the legislature's specific public policy objective to maximize funding for recovery residences to the extent possible, thereby increasing availability of such residences.

(4) To measure the effectiveness of the tax exemption provided in section 21 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate:

(a) Annual changes in the total number of parcels qualifying for the exemption under section 21 of this act;

(b) The amount of annual property tax relief resulting from the tax exemption under section 21 of this act;

(c) The average annual number of people housed at recovery residences located on property qualifying for the exemption under section 21 of this act;

(d) The annualized amount charged for housing at recovery residences located on property qualifying for the exemption under section 21 of this act and the annualized estimated increase in the charge for housing if the properties had not been eligible for the exemption; and

(e) The annual amount of expenditures by nonprofits to maintain recovery residences located on property qualifying for the exemption under section 21 of this act.

(5) The legislature intends to extend the expiration date of the property tax exemption under section 21 of this act if the review by the joint legislative audit and review committee finds that:

(a) The number of properties qualifying for the exemption under section 21 of this act has increased;

(b) The number of individuals using recovery housing located on property qualifying for the exemption under section 21 of this act has increased; and

(c) The amount charged for recovery housing is reasonably consistent with the actual cost of operating and maintaining the housing.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the tax exemption under section 21 of this act as approved by the department of revenue under RCW

84.36.815;

(b) Annual financial statements prepared by nonprofit entities claiming the tax exemption under section 21 of this act;

(c) Filings with the federal government to maintain federal tax exempt status by nonprofit organizations claiming the tax exemption under section 21 of this act; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**Part VII – Training for Parents of Children with Substance Use Disorder and Caseworkers Within the Department of Children, Youth, and Families**

NEW SECTION. Sec. 23. A new section is added to chapter 43.216 RCW to read as follows:

(1) The health care authority in consultation with the department shall develop a training for parents of children and transition age youth with substance use disorders by June 30, 2024, addressing the following:

(a) Science and education related to substance use disorders;

(b) Adaptive and functional communication strategies for communication with a loved one about their substance use disorder, including positive communication skills and strategies to influence motivation and behavioral change;

(c) Self-care and means of obtaining support; and

(d) Means to obtain opioid overdose reversal medication when appropriate and instruction on proper use.

(2) The health care authority and the department shall make this training publicly available and the department must promote the training to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

NEW SECTION. Sec. 24. A new section is added to chapter 43.216 RCW to read as follows:

The department must make opioid overdose reversal medication available for use by caseworkers or employees that may come in contact with individuals experiencing overdose and must make appropriate training available.

**Part VIII – Data Support for Recovery Navigator Programs**

NEW SECTION. Sec. 25. To support recovery navigator programs, the health care authority must develop and implement a data integration platform by June 30, 2024, to serve as a common database for diversion efforts across the state, to serve as a data collection and management tool for practitioners, and to assist in standardizing definitions and practices. If possible, the health care authority must leverage and interact with existing platforms already in use in efforts funded by the authority. The health care authority must establish a quality assurance process for behavioral health administrative services organizations, and employ data validation for fields in the data collection workbook.

NEW SECTION. Sec. 26. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall contract with the Washington state institute for public policy to conduct a study of the long-term effectiveness of the recovery navigator program under RCW 71.24.115 with reports due by June 30th in the years 2028, 2033, and 2038. The Washington state institute for public policy shall collaborate with the authority and substance use recovery services advisory committee under RCW 71.24.546 on the topic of data collection and to determine the parameters of the report, which shall include recommendations, if any, for modification and improvement of the recovery navigator program. The authority shall cooperate with the Washington state institute for public policy to provide data for this report.

(2) The authority shall establish an expedited preapproval process by August 1, 2023, which allows requests for the use of

data to be forwarded to the Washington state institutional review board without delay when the request is made by the Washington state institute for public policy for the purpose of completing a study that has been directed by the legislature.

**Part IX – Establishing Rules and Payment Structures for Health Engagement Hubs**

NEW SECTION. **Sec. 27.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall develop payment structures for health engagement hubs by January 1, 2025.

(2) A health engagement hub:

(a) Serves as an all-in-one location where people who use drugs can access a range of medical, harm reduction, treatment, and social services. A health engagement hub may not provide supervised injection services;

(b) May be affiliated with existing syringe service programs, federally qualified health centers, community health centers, overdose prevention sites, safe consumption sites, patient-centered medical homes, tribal behavioral health programs, peer run organizations such as clubhouses, services for unhoused people, supportive housing, and opioid treatment programs including mobile and fixed-site medication units established under an opioid treatment program, or other appropriate entity;

(c) Provides referrals or access to methadone and other medications for opioid addiction;

(d) Functions as a patient-centered medical home by offering high-quality, cost-effective patient-centered care, including wound care;

(e) Provides harm reduction services and supplies;

(f) Provides linkage to housing, transportation, and other support services; and

(g) Is open to youth as well as adults.

(3) To the extent allowed under federal law, the authority shall direct medicaid managed care organizations to adopt a value-based bundled payment methodology in contracts with health engagement hubs and other opioid treatment providers.

(4) The authority shall make sufficient funding available to ensure that a health engagement hub is available within a two-hour drive for all communities and that there is at least one health engagement hub available per 200,000 residents in Washington state.

**Part X – Education and Employment Pathways**

NEW SECTION. **Sec. 28.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority shall establish a grant program for providers of employment, education, training, certification, and other supportive programs designed to provide persons recovering from a substance use disorder with employment opportunities. The grant program shall employ a low-barrier application and give priority to programs that engage with black, indigenous, persons of color, and other historically underserved communities.

**Part XI – Providing a Statewide Directory of Recovery Services**

NEW SECTION. **Sec. 29.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority must collaborate with the department and the department of social and health services to expand the Washington recovery helpline and the recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool that includes a robust resource database for those seeking services and a referral system to be incorporated within the locator tool to help facilitate the connection between an individual and a facility that is currently accepting new referrals. The tool must include dual

interface capability, one for public access and one for internal use and management.

**Part XII – Investing Adequately in Statewide Diversion Services**

NEW SECTION. **Sec. 30.** (1) It is the intent of the legislature to increase investments in the 2023-2025 biennium substantially over baseline levels established in the 2021-2023 operating and capital budgets to increase the provision of evidence-based prearrest and prefiling diversion programs in all regions of the state. Services which shall be increased and included in every health purchasing region include crisis stabilization units, 23-hour crisis relief centers, mobile crisis response services for youth and adults, recovery navigator programs, and law enforcement assisted diversion.

(2) The appropriations in this subsection are provided to the state health care authority and are subject to the following conditions and limitations:

(a) The following sums, or so much thereof as may be necessary, are each appropriated: \$18,114,000 from the state general fund for the fiscal year ending June 30, 2024; and \$16,437,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to continue and expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails.

(b) The following sums, or so much thereof as may be necessary, are each appropriated: \$3,500,000 from the state general fund for the fiscal year ending June 30, 2024; and \$3,500,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to provide support funds to new and established clubhouses throughout the state.

(c) The following sums, or so much thereof as may be necessary, are each appropriated: \$1,583,000 from the state general fund for the fiscal year ending June 30, 2024; and \$1,583,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to award grants to crisis services providers to establish and expand 23-hour crisis relief center capacity. It is the intent of the legislature that grants are awarded to an equivalent number of providers to the west and the east of the Cascade mountains. The authority must consider the geographic distribution of proposed grant applicants and the regional need for 23-hour crisis relief centers when awarding grant funds.

(d) The following sums, or so much thereof as may be necessary, are each appropriated: \$900,000 from the state general fund for the fiscal year ending June 30, 2024; \$900,000 from the state general fund for the fiscal year ending June 30, 2025; and \$1,800,000 from the state general fund—federal for the fiscal biennium ending June 30, 2025. The amounts in this subsection are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants pursuant to RCW 36.28A.450.

(e) The following sums, or so much thereof as may be necessary, are each appropriated: \$1,250,000 from the state general fund for the fiscal year ending June 30, 2024; \$1,250,000 from the state general fund for the fiscal year ending June 30, 2025; and \$2,500,000 from the state general fund—federal for the fiscal biennium ending June 30, 2025. The amounts in this subsection are provided solely for the authority to provide ongoing grants to law enforcement assistant diversion programs under RCW 71.24.590.

**Part XIII – Streamlining Substance Use Disorder Treatment Intakes**

NEW SECTION. **Sec. 31.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a work group to recommend changes to systems, policies, and processes related to intake, screening, and assessment for substance use disorder services, with the goal to broaden the workforce capable of processing intakes and to make the intake process as brief as possible, including only what is necessary to manage utilization and initiate care. The intake shall be low barrier, person-centered, and amenable to administration in diverse health care settings and by a range of health care professionals. The intake assessment shall consider the person's self-identified needs and preferences when evaluating direction of treatment and may include different components based on the setting, context, and past experience with the client.

(2) The work group must include care providers, payors, people who use drugs, and other individuals recommended by the authority. The work group shall present its recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

**Part XIV - Miscellaneous Provisions**

**Sec. 32.** 2021 c 311 s 29 (uncodified) is amended to read as follows:

Sections 8 through 10(~~(s)~~) and 12(~~(, 15, and 16)~~) of this act expire July 1, 2023.

**NEW SECTION. Sec. 33.** Sections 2 through 12 and 32 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023."

On page 1, line 4 of the title, after "paraphernalia;" strike the remainder of the title and insert "amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.589, 71.24.590, 10.31.110, and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 43.43 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW; creating new sections; repealing RCW 10.31.115; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency."

**MOTION**

Senator Padden moved that the following floor amendment no. 0162 by Senator Padden be adopted:

On page 6, after line 22, insert the following:

**NEW SECTION. Sec. 6.** A new section is added to chapter 69.50 RCW to read as follows:

(1) It is unlawful for any person to knowingly possess fentanyl unless the fentanyl was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

**Sec. 7.** RCW 9.94A.518 and 2022 c 16 s 5 are each amended to read as follows:

**TABLE 4**

**DRUG OFFENSES INCLUDED WITHIN EACH SERIOUSNESS LEVEL**

III Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW 9.94A.825

- Controlled Substance Homicide (RCW 69.50.415)
- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- Involving a minor in drug dealing (RCW 69.50.4015)
- Manufacture of methamphetamine (RCW 69.50.401(2)(b))
- Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
- Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
- Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
- II Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.4011)
- Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(2)(b))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.4012)
- Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(1)(f))
- Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(2)(b))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(2)(a))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except cannabis as defined in RCW 69.50.101, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(2)(c) through (e))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW

69.52.030(1))

I Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Manufacture, deliver, or possess with intent to deliver cannabis as defined in RCW 69.50.101 (RCW 69.50.401(2)(c))

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (RCW 69.50.4013)

Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.4013)

Possession of fentanyl (section 6 of this act)

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

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

On page 36, line 22, after "69.41.030," insert "9.94A.518,"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0162 by Senator Padden on page 6, after line 22 to striking floor amendment no. 0154.

The motion by Senator Padden did not carry and floor amendment no. 0162 was not adopted by rising vote.

MOTION

Senator Dhingra moved that the following floor amendment no. 0157 by Senator Dhingra be adopted:

On page 9, line 30, after "section;" strike "and"

On page 9, line 35, after "program" insert "; and"

(f) A clear statement that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce"

On page 11, line 22, after "(1)" insert "Prior to sentencing any person convicted of violating RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b), the court shall inform the person that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(2)"

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

Senators Dhingra and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0157 by Senator Dhingra on

page 9, line 30 to striking floor amendment no. 0154.

The motion by Senator Dhingra carried and floor amendment no. 0157 was adopted by voice vote.

MOTION

Senator Dhingra moved that the following floor amendment no. 0158 by Senator Dhingra be adopted:

On page 10, line 27, after "(8)" insert "Once the diagnostic and treatment recommendation has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800 and shall require the individual to surrender all firearms in accordance with RCW 9.41.804.

(9)"

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

On page 12, line 39, after "(c)" insert "Once the diagnostic evaluation and treatment recommendation has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800.

(d)"

Senators Dhingra and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0158 by Senator Dhingra on page 10, line 27 to striking floor amendment no. 0154.

The motion by Senator Dhingra carried and floor amendment no. 0158 was adopted by voice vote.

MOTION

Senator Hawkins moved that the following floor amendment no. 0163 by Senator Hawkins be adopted:

On page 11, line 7, after "attorney" strike "may" and insert "shall"

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

MOTION

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

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

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0163 by Senator Hawkins on page 11, line 7 to striking floor amendment no. 0154.

The motion by Senator Hawkins did not carry and floor amendment no. 0163 was not adopted by voice vote.

MOTION



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Senator Robinson moved that the following floor amendment no. 0159 by Senator Robinson be adopted:

On page 11, line 17, after "including" strike "meaningful engagement" and insert "substantial compliance"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0159 by Senator Robinson on page 11, line 17 to Second Substitute Senate Bill No. 5536.

The motion by Senator Robinson carried and floor amendment no. 0159 was adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 0164 by Senator Padden be adopted:

On page 12, at the beginning of line 7, strike "21" and insert "45"

On page 14, beginning on line 7, after "reinstate" strike all material through "treatment" on line 22 and insert "no less than 45 days of the individual's suspended sentence"

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

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0164 by Senator Padden on page 12, line 7 to striking floor amendment no. 0154.

The motion by Senator Padden did not carry and floor amendment no. 0164 was not adopted by voice vote.

#### MOTION

Senator Nguyen moved that the following floor amendment no. 156 by Senator Nguyen be adopted:

Beginning on page 14, line 3, strike all of subsection (9)

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

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

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Nguyen and without objection, floor amendment no. 0156 by Senator Nguyen on page 14, line 3 to striking floor amendment no. 0154 was withdrawn.

#### MOTION

Senator Mullet moved that the following floor amendment no. 0166 by Senator Mullet be adopted:

On page 14, line 16, after "third" insert "or subsequent"

On page 36, after line 11, insert the following:

**NEW SECTION. Sec. 32.** Section 7 of this act takes effect January 1, 2025."

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

On page 36, line 16, after "2" strike "through 12" and insert ", 6, 8 through 12,"

On page 36, beginning on line 29, after "providing" strike "an effective date" and insert "effective dates"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0166 by Senator Mullet on page 14, line 16 to striking floor amendment no. 0154.

The motion by Senator Mullet carried and floor amendment no. 0166 was adopted by voice vote.

#### MOTION

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

Senators Robinson, Mullet, Wagoner, Salomon and Wellman spoke in favor of passage of the bill.

Senators Padden, Trudeau, Dhingra, Nobles, Frame and Hasegawa 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. 5536.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, Hunt, Keiser, King, Lias, Lovick, MacEwen, Mullet, Muzzall, Randall, Robinson, Rolfes, Salomon, Shewmake, Torres, Van De Wege, Wagoner, Wilson, J. and Wilson, L.

Voting nay: Senators Dhingra, Frame, Hasegawa, Kauffman, Kuderer, Lovelett, McCune, Nguyen, Nobles, Padden, Pedersen, Rivers, Saldaña, Schoesler, Short, Stanford, Trudeau, Valdez, Warnick, Wellman and Wilson, C.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:07 p.m., on motion of Senator Pedersen, the Senate adjourned until 9 o'clock a.m. Monday, March 6, 2023.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

*Draft*

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|---------------------------------|---|---------------------------------|---|
| 1002                            |   | 1424-SE                         |   |
| Introduction & 1st Reading..... | 2 | Messages.....                   | 1 |
| 1013-S2                         |   | 1433-S2                         |   |
| Messages.....                   | 1 | Introduction & 1st Reading..... | 3 |
| 1047-S                          |   | 1435-S                          |   |
| Introduction & 1st Reading..... | 2 | Introduction & 1st Reading..... | 3 |
| 1057-SE                         |   | 1436-SE                         |   |
| Introduction & 1st Reading..... | 2 | Messages.....                   | 1 |
| 1074-S                          |   | 1447-S2                         |   |
| Messages.....                   | 1 | Messages.....                   | 1 |
| 1109-S                          |   | 1452-S2                         |   |
| Introduction & 1st Reading..... | 2 | Introduction & 1st Reading..... | 3 |
| 1132-S                          |   | 1457-S                          |   |
| Introduction & 1st Reading..... | 2 | Introduction & 1st Reading..... | 3 |
| 1176-S2                         |   | 1474-S2                         |   |
| Introduction & 1st Reading..... | 2 | Messages.....                   | 1 |
| 1200-S                          |   | 1478-E                          |   |
| Messages.....                   | 1 | Messages.....                   | 1 |
| 1238-S2E                        |   | 1491-S2                         |   |
| Messages.....                   | 1 | Messages.....                   | 1 |
| 1245-SE                         |   | 1512                            |   |
| Introduction & 1st Reading..... | 2 | Introduction & 1st Reading..... | 3 |
| Messages.....                   | 1 | 1515-S2E                        |   |
| 1254-S                          |   | Messages.....                   | 1 |
| Introduction & 1st Reading..... | 2 | 1521-S                          |   |
| 1258-S                          |   | Introduction & 1st Reading..... | 3 |
| Introduction & 1st Reading..... | 2 | 1525-S2                         |   |
| 1260-SE                         |   | Introduction & 1st Reading..... | 3 |
| Introduction & 1st Reading..... | 2 | 1555-SE                         |   |
| Messages.....                   | 1 | Introduction & 1st Reading..... | 3 |
| 1291-S                          |   | Messages.....                   | 1 |
| Messages.....                   | 1 | 1570-S                          |   |
| 1308                            |   | Messages.....                   | 1 |
| Messages.....                   | 1 | 1572-S                          |   |
| 1320-S2E                        |   | Introduction & 1st Reading..... | 3 |
| Introduction & 1st Reading..... | 2 | 1577-S                          |   |
| Messages.....                   | 1 | Messages.....                   | 1 |
| 1322-S2                         |   | 1580-S2                         |   |
| Messages.....                   | 1 | Messages.....                   | 1 |
| 1336-E                          |   | 1590-S                          |   |
| Messages.....                   | 1 | Introduction & 1st Reading..... | 3 |
| 1355-S                          |   | 1618-S2                         |   |
| Messages.....                   | 1 | Messages.....                   | 1 |
| 1390-S2                         |   | 1658-S                          |   |
| Messages.....                   | 1 | Messages.....                   | 1 |
| 1406-S                          |   | 1679                            |   |
| Messages.....                   | 1 | Introduction & 1st Reading..... | 3 |

|                                   |        |                                   |                |
|-----------------------------------|--------|-----------------------------------|----------------|
| 1681-S2                           |        | Other Action.....                 | 17             |
| Introduction & 1st Reading.....   | 3      | Second Reading .....              | 17             |
| 1732-SE                           |        | 5311-S2E                          |                |
| Introduction & 1st Reading.....   | 4      | Third Reading Final Passage ..... | 18             |
| 1777                              |        | 5386-S                            |                |
| Introduction & 1st Reading.....   | 4      | Second Reading .....              | 14             |
| 1783-S                            |        | Third Reading Final Passage ..... | 14             |
| Introduction & 1st Reading.....   | 4      | 5398-S                            |                |
| 5025-S                            |        | Second Reading .....              | 6              |
| Second Reading .....              | 13     | Third Reading Final Passage ..... | 6              |
| Third Reading Final Passage ..... | 13     | 5403                              |                |
| 5046-S2                           |        | Second Reading .....              | 19             |
| Second Reading .....              | 5      | Third Reading Final Passage ..... | 20             |
| Third Reading Final Passage ..... | 5      | 5477-S2                           |                |
| 5124-S                            |        | Second Reading .....              | 12             |
| Second Reading .....              | 11, 12 | Third Reading Final Passage ..... | 12             |
| 5124-SE                           |        | 5497                              |                |
| Third Reading Final Passage ..... | 12     | Second Reading .....              | 7              |
| 5128-S2                           |        | Third Reading Final Passage ..... | 7              |
| Second Reading .....              | 5      | 5512-S                            |                |
| Third Reading Final Passage ..... | 5      | Second Reading .....              | 18, 19         |
| 5131                              |        | 5512-SE                           |                |
| Second Reading .....              | 5      | Third Reading Final Passage ..... | 19             |
| Third Reading Final Passage ..... | 6      | 5515-S                            |                |
| 5174-S2                           |        | Other Action.....                 | 11             |
| Other Action.....                 | 16     | Second Reading .....              | 7              |
| Second Reading .....              | 16     | 5515-SE                           |                |
| 5174-S2E                          |        | Third Reading Final Passage ..... | 11             |
| Third Reading Final Passage ..... | 17     | 5536-S2                           |                |
| 5197-S                            |        | Other Action.....                 | 20, 33         |
| Second Reading .....              | 15     | Second Reading .....              | 20, 31, 32, 33 |
| 5197-SE                           |        | 5536-S2E                          |                |
| Third Reading Final Passage ..... | 16     | Third Reading Final Passage ..... | 33             |
| 5198-S2                           |        | 5593-S2                           |                |
| Other Action.....                 | 14     | Second Reading .....              | 19             |
| Second Reading .....              | 14     | Third Reading Final Passage ..... | 19             |
| 5198-S2E                          |        | 5626-S                            |                |
| Third Reading Final Passage ..... | 15     | Second Reading .....              | 13             |
| 5225-S2                           |        | Third Reading Final Passage ..... | 14             |
| Second Reading .....              | 6      | 5632                              |                |
| Third Reading Final Passage ..... | 6      | Second Reading .....              | 7              |
| 5243-S2                           |        | Third Reading Final Passage ..... | 7              |
| Second Reading .....              | 12     | 5758                              |                |
| 5243-S2E                          |        | Introduction & 1st Reading.....   | 1              |
| Third Reading Final Passage ..... | 13     | 8623                              |                |
| 5243-SE                           |        | Adopted.....                      | 4              |
| Second Reading .....              | 13     | Introduced .....                  | 4              |
| 5311-S2                           |        | 9335 Myers, Woodrow               |                |

Introduction..... 1

9336 Parker, Steven

Introduction..... 1

CHAPLAIN OF THE DAY

Spencer, Mr. Jeffery, Pastor, Oak Harbor

Lutheran Church ..... 1

FLAG BEARERS

Davis, Mr. Caleb ..... 1

Rahn, Miss Isabella..... 1

GUESTS

Hanson, Mr. Anders, Pledge of Allegiance .. 1

McCann, Mr. Bruce, brother of Mrs. Donna

Moss ..... 4

McCann, Mr. Donald, father of Mrs. Donna

Moss ..... 4

McCann, Mrs. Alline, mother of Mrs. Donna

Moss ..... 4

St. John, Mr. Roger, brother-in-law of Mrs.

Donna Moss ..... 4

St. John, Ms. Sonja, sister of Mrs. Donna

Moss ..... 4

MESSAGE FROM GOVERNOR

Gubernatorial Appointments..... 1

PRESIDENT OF THE SENATE

Remarks by the President..... 5, 15

DRAFT