

THIRTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia  
Friday, February 9, 2024

The Senate was called to order at 10 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 Bridget Simmons and Mr. Denver Hainstock, presented the Colors.

Page Miss Kameryn Jensen led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Jeffrey Spencer of Oak Harbor Lutheran Church.

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 OTHER STATE OFFICERS

The following reports were submitted to and received by the Secretary of the Senate:

**Agriculture, Department of** - *“WSDA Pesticide Management Division Annual Report”*, pursuant to 15.58.420 RCW; *“WSDA Pesticide Management Division Annual Report”*, pursuant to 17.21.350 RCW;

**Auto Theft Prevention Authority, Washington** - *“Auto Theft Prevention Authority 2023 Annual Report”*, in accordance with Engrossed Third Substitute House Bill No. 1001;

**Commerce, Department of** - *“Affordable and Supportive Housing Sales and Use Tax - Collection and Use of Revenue”*, pursuant to 82.14.540 RCW; *“Washington Transportation Electrification Strategy Full Report; Developed by the Interagency Electric Vehicle Coordinating Council”*, pursuant to 43.392.040 RCW; *“Community Assistance Plan to Address Residential Permit Delays”*, in accordance with Senate Bill No. 5290;

**Health Care Authority** - *“Access to Behavioral Health Services for Children, Youth, and Young Adults”*, pursuant to 74.09.495 RCW; *“Island County Pilot Program - Improve Behavioral Health Outcomes for Youth and Young People in Rural Communities”*, in accordance with Engrossed Substitute Senate Bill No. 5693;

**Health, Department of** - *“Biotoxin Fee Letter”*, pursuant to 77.32.555 RCW; *“Military and Military-Affiliated Licensure Streamlining”*, pursuant to 73.04.150 RCW; *“Uniform Disciplinary Act Biennial Report for 2021-23”*, pursuant to 18.130.310 RCW; *“Summary of Fiscal Year 24 Drinking Water State Revolving Fund Loan Funding Cycle”*, pursuant to 70A.125.160 RCW;

**Public Instruction, Office of the Superintendent of** - *“Post-School Outcomes for Students with Disabilities 2023”*, pursuant to 28A.155.220 RCW; *“Maritime Academy Feasibility”*, in accordance with Engrossed Substitute Senate Bill No. 5187; *“UPDATE: LAP Growth Data”*, pursuant to 28A.165.100 RCW;

**Regulatory Innovation and Assistance, Office for** - *“Impacts of Significant Legislative Rulemaking 2022-2023”*, pursuant to 34.05.328 RCW; *“Impacts of Significant Legislative Rulemaking 2022-2023 Letter of Transmittal”*, pursuant to 34.05.328 RCW;

**Social & Health Services, Department of** - *“WorkFirst Maintenance of Effort and Work Participation Rate - 2023 First & Second Quarter”*, in accordance with Engrossed Substitute Senate Bill No. 5187;

**Transportation, Department of** - *“Semi-Annual Practical Design Savings Report”*, pursuant to 47.01.480 RCW; *“Fund Transfers Letter, February 2024”*, in accordance with Engrossed Substitute House Bill No. 1125;

**Washington State Patrol** - *“Quarterly Report on Mobilization Costs”*, in accordance with Engrossed Substitute Senate Bill No. 5187;

**Western Washington University** - *“Addressing Sexual Misconduct at Postsecondary Educational Institutions”*, pursuant to 28B.112.050 RCW.

MOTION

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

MESSAGE FROM THE HOUSE

February 8, 2024

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248,  
SECOND ENGROSSED SUBSTITUTE  
HOUSE BILL NO. 1371,  
ENGROSSED HOUSE BILL NO. 2088,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 8, 2024

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1752,  
SUBSTITUTE HOUSE BILL NO. 2072,  
SUBSTITUTE HOUSE BILL NO. 2075,  
HOUSE BILL NO. 2110,  
HOUSE BILL NO. 2135,  
SUBSTITUTE HOUSE BILL NO. 2224,  
SUBSTITUTE HOUSE BILL NO. 2381,  
HOUSE BILL NO. 2415,  
SUBSTITUTE HOUSE BILL NO. 2428,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 8, 2024

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1391,  
SUBSTITUTE HOUSE BILL NO. 1892,  
SUBSTITUTE HOUSE BILL NO. 1905,  
SUBSTITUTE HOUSE BILL NO. 1915,  
SUBSTITUTE HOUSE BILL NO. 1947,  
HOUSE BILL NO. 1948,  
HOUSE BILL NO. 1967,

HOUSE BILL NO. 1975,  
HOUSE BILL NO. 1982,  
SUBSTITUTE HOUSE BILL NO. 2061,  
SUBSTITUTE HOUSE BILL NO. 2102,  
SECOND SUBSTITUTE HOUSE BILL NO. 2112,  
SUBSTITUTE HOUSE BILL NO. 2216,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 8, 2024

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1946,  
HOUSE BILL NO. 1963,  
HOUSE BILL NO. 1983,  
HOUSE BILL NO. 2031,  
HOUSE BILL NO. 2137,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,  
HOUSE BILL NO. 2302,  
SUBSTITUTE HOUSE BILL NO. 2347,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 8, 2024

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE  
HOUSE BILL NO. 1692,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,  
SUBSTITUTE HOUSE BILL NO. 1999,  
SUBSTITUTE HOUSE BILL NO. 2056,  
SUBSTITUTE HOUSE BILL NO. 2091,  
SUBSTITUTE HOUSE BILL NO. 2156,  
ENGROSSED HOUSE BILL NO. 2164,  
HOUSE BILL NO. 2318,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2321,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,  
ENGROSSED HOUSE BILL NO. 2372,  
SUBSTITUTE HOUSE BILL NO. 2396,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1510 by House Committee on Finance (originally sponsored by Representatives Santos, Chopp, Fitzgibbon and Pollet)

AN ACT Relating to establishing permanent funding for community preservation and development authorities approved through RCW 43.167.060; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.167 RCW; and providing an effective date.

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

HB 1949 by Representatives Leavitt, Schmidt, Ryu, Callan, Doglio, Reed, Ormsby, Fosse, Reeves and Davis; by request of Department of Social and Health Services

AN ACT Relating to including in the public safety employees' retirement system specified competency restoration workers at department of social and health services institutional and residential sites that serve civilly committed residents or serve patients under not guilty by reason of insanity findings; amending RCW 41.37.010; adding a new section to chapter 41.37 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1958 by Representatives Berry, Orwall, Ryu, Fitzgibbon, Leavitt, Ramel, Reed, Simmons, Ormsby, Fosse, Lekanoff, Reeves, Pollet, Davis and Doglio

AN ACT Relating to nonconsensual removal of or tampering with a sexually protective device; adding a new chapter to Title 7 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1976 by Representatives Fosse, Doglio, Fitzgibbon, Ramel, Reed, Lekanoff, Reeves and Pollet; by request of Department of Commerce

AN ACT Relating to changing the incentive structure for tier 1 and tier 2 buildings; and amending RCW 19.27A.220.

Referred to Committee on Environment, Energy & Technology.

ESHB 1998 by House Committee on Housing (originally sponsored Representatives Gregerson, Barkis, Leavitt, Rule, Ryu, Reed, Morgan, Fitzgibbon, Berry, Duerr, Bronoske, Ramos, Ramel, Bateman, Peterson, Chambers, Taylor, Simmons, Ormsby, Graham, Callan, Macri, Donaghy, Doglio, Mena, Nance, Riccelli, Cortes, Santos, Pollet and Davis)

AN ACT Relating to legalizing inexpensive housing choices through co-living housing; adding a new section to chapter 36.70A RCW; and creating a new section.

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

HB 2004 by Representatives McEntire, Leavitt, Couture, Slatter, Ryu, Senn, Graham, Callan, Sandlin and

AN ACT Relating to early registration at institutions of higher education for eligible veterans, national guard members, active duty military members, and their spouses, domestic partners, and dependents; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SHB 2045 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Waters, Chapman, Timmons, Harris and Reeves)

AN ACT Relating to the creation of an adopt a fish barrier program; amending RCW 47.40.105; adding a new section to chapter 77.95 RCW; and creating a new section.

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

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

**HB 2059** by Representatives Stearns, Ramos, Senn, Ramel, Morgan, Peterson, Callan, Gregerson, Santos and Reeves

AN ACT Relating to the sale of halal food products; amending RCW 15.130.140; adding a new chapter to Title 69 RCW; and prescribing penalties.

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

**HB 2074** by Representatives Dye, Dent, Jacobsen, Graham and Sandlin

AN ACT Relating to limiting the application of certain civil penalties to protect landowners from incurring penalties based on the actions of the landowner's lessee; and amending RCW 90.03.600.

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

**SHB 2086** by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Entenman, Goodman, Fitzgibbon, Berry, Reed, Ormsby, Street, Doglio, Farivar and Kloba; by request of Office of Independent Investigations)

AN ACT Relating to updating processes of the office of independent investigations by changing authority to obtain and share investigative information and aligning with current operations and practices; amending RCW 43.102.010, 43.102.050, 43.102.080, 43.102.100, 43.102.120, and 43.102.800; and providing an expiration date.

Referred to Committee on Law & Justice.

**SHB 2097** by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Berry, Ortiz-Self, Reed, Simmons, Ormsby, Ramel, Fosse, Goodman, Lekanoff, Doglio, Pollet and Kloba)

AN ACT Relating to assisting workers in recovering wages owed; adding a new section to chapter 49.48 RCW; and providing an expiration date.

Referred to Committee on Labor & Commerce.

**HB 2120** by Representatives Barnard, Shavers, Graham and Wylie

AN ACT Relating to tax preferences for clean energy manufacturers; amending RCW 84.25.110; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

**SHB 2226** by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Berry, Gregerson, Ramel, Santos, Reeves, Reed and Davis)

AN ACT Relating to collecting data on the H-2A worker program and from certain hand harvesters; adding a new section to chapter 50.75 RCW; adding a new section to chapter 50.38 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

**SHB 2335** by House Committee on Education (originally sponsored by Representatives Santos, Lekanoff, Nance and Reed)

AN ACT Relating to state-tribal education compacts; and amending RCW 28A.715.010 and 28A.715.020.

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

**HB 2371** by Representatives Cheney and Walen

AN ACT Relating to clarifying the rules surrounding the removal of political advertising; amending RCW 29A.84.040; and creating a new section.

Referred to Committee on State Government & Elections.

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.

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION  
8655

By Senators Rivers, Nobles, Hunt, Dhingra, Lovick, MacEwen, Dozier, Hansen, Warnick, Boehnke, Hasegawa, Short, Keiser, Conway, Kuderer, Torres, Robinson, Braun, Cleveland, C. Wilson, and Mullet

WHEREAS, Pete Carroll began his National Football League head coaching career with the New York Jets in the 1994 season and then coached the New England Patriots from 1997 to 1999; and

WHEREAS, Pete Carroll then spent nine seasons as the head coach at the University of Southern California, where he won seven consecutive Pac-10 titles and two national championships, and he led the Trojans to a 97-19 record; and

WHEREAS, Pete Carroll was named head coach of the Seattle Seahawks on January 11th, 2010; and

WHEREAS, On February 2nd, 2014, Pete Carroll led Seattle to its first Super Bowl title in franchise history with a resounding 43-8 victory over the Denver Broncos in Super Bowl 48, earning him a beloved spot in the hearts of Seahawks fans, the 12s, throughout the Northwest; and

WHEREAS, After 14 seasons, 10 playoff appearances, and the team's only Super Bowl championship, it was announced on January 10th, 2024, that Pete Carroll will no longer be the Seattle Seahawks head coach; and

WHEREAS, Pete Carroll is one of only three coaches to win a Super Bowl and a college football national championship, with Jimmy Johnson and Barry Switzer being the first two; and

WHEREAS, In his 14 seasons as the Seahawks' coach, Pete Carroll compiled a regular season record of 137-89-1 and a playoff record of 10-9; and

WHEREAS, Pete Carroll's overall NFL coaching record is 181-131-1 and his 181 combined wins, regular and postseason, are the 14th most in NFL history; and

WHEREAS, Pete Carroll prides himself on inclusive leadership and the ability to create an atmosphere of understanding by empowering his players to be themselves, making them feel heard; and

WHEREAS, Pete Carroll approaches coaching and leadership through compassion and love, which goes beyond just the football field but also in helping other people reach their full potential; and

WHEREAS, Pete Carroll's passion for working with people has gone beyond the football field but also within the community, as he founded philanthropic efforts in Seattle, Los Angeles, and around the country; and

WHEREAS, While at the University of Southern California, Pete Carroll started both in Los Angeles and Seattle a community-based street outreach team to help the youth who have been impacted by gangs and the juvenile justice system;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate Pete Carroll, not only for his memorable and rewarding 14 seasons as the Seattle Seahawks head coach, but also for his dedication to making the world around him a better place; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pete Carroll.

Senators Rivers, Warnick, Hawkins and Nobles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

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

#### MOTION

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

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Robinson moved that Drew Shirk, Senate Gubernatorial Appointment No. 9357, be confirmed as Director of the Department of Revenue.

Senators Robinson and MacEwen spoke in favor of passage of the motion.

#### MOTIONS

On motion of Senator Nobles, Senator Salomon was excused.

On motion of Senator Wagoner, Senator Fortunato was excused.

#### APPOINTMENT OF DREW SHIRK

The President declared the question before the Senate to be the confirmation of Drew Shirk, Senate Gubernatorial Appointment No. 9357, as Director of the Department of Revenue.

The Secretary called the roll on the confirmation of Drew Shirk, Senate Gubernatorial Appointment No. 9357, as Director of the Department of Revenue and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez,

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

Voting nay: Senator Schoesler

Excused: Senator Fortunato

Drew Shirk, Senate Gubernatorial Appointment No. 9357, having received the constitutional majority was declared confirmed as Director of the Department of Revenue.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wilson, C. moved that Raymond L. Delos Reyes, Senate Gubernatorial Appointment No. 9380, be confirmed as a member of the Clemency and Pardons Board.

Senator Wilson, C. spoke in favor of the motion.

#### MOTION

On motion of Senator Nobles, Senator Salomon was excused.

#### APPOINTMENT OF RAYMOND L. DELOS REYES

The President declared the question before the Senate to be the confirmation of Raymond L. Delos Reyes, Senate Gubernatorial Appointment No. 9380, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Raymond L. Delos Reyes, Senate Gubernatorial Appointment No. 9380, as a member of the Clemency and Pardons Board and the appointment was confirmed 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Salomon

Raymond L. Delos Reyes, Senate Gubernatorial Appointment No. 9380, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Trudeau moved that Heather Moss Rich, Senate Gubernatorial Appointment No. 9404, be confirmed as a member of the Bates Technical College Board of Trustees.

Senator Trudeau spoke in favor of the motion.

#### APPOINTMENT OF HEATHER MOSS RICH

The President declared the question before the Senate to be the confirmation of Heather Moss Rich, Senate Gubernatorial Appointment No. 9404, as a member of the Bates Technical College Board of Trustees.

Concerning agriculture pest and disease response.

The Secretary called the roll on the confirmation of Heather Moss Rich, Senate Gubernatorial Appointment No. 9404, as a member of the Bates Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator McCune

Heather Moss Rich, Senate Gubernatorial Appointment No. 9404, having received the constitutional majority was declared confirmed as a member of the Bates Technical College Board of Trustees.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Scott A. Merriman, Senate Gubernatorial Appointment No. 9413, be confirmed as a member of the Parks and Recreation Commission.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF SCOTT A. MERRIMAN

The President declared the question before the Senate to be the confirmation of Scott A. Merriman, Senate Gubernatorial Appointment No. 9413, as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Scott A. Merriman, Senate Gubernatorial Appointment No. 9413, as a member of the Parks and Recreation Commission and the appointment was confirmed 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Scott A. Merriman, Senate Gubernatorial Appointment No. 9413, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 6036, by Senators Muzzall, Braun, Liias, Nobles, and Van De Wege

MOTIONS

On motion of Senator Muzzall, Substitute Senate Bill No. 6036 was substituted for Senate Bill No. 6036 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 6036, by Senate Committee on Ways & Means (originally sponsored by Muzzall, Braun, Liias, Nobles, and Van De Wege)

On motion of Senator Muzzall, the rules were suspended, Substitute Senate Bill No. 6036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Muzzall 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. 6036.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6036 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 6036, 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. 5853, by Senators Dhingra, Wagoner, Frame, Hasegawa, Kuderer, Lovelett, Lovick, Muzzall, Nguyen, Nobles, Shewmake, Stanford, Torres, Valdez, and Wilson, C.

Extending the crisis relief center model to provide behavioral health crisis services for minors.

MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5853 was substituted for Senate Bill No. 5853 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5853, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner, Frame, Hasegawa, Kuderer, Lovelett, Lovick, Muzzall, Nguyen, Nobles, Shewmake, Stanford, Torres, Valdez, and Wilson, C.)

Senator Dhingra moved that the following amendment no. 576 by Senator Dhingra be adopted:

On page 12, line 15, after "separate" insert "internal"

Senator Dhingra spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 576 by Senator Dhingra on page 12, line 15 to Second Substitute Senate Bill No. 5853.

The motion by Senator Dhingra carried and amendment no. 576 was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5853.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5853 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5853, 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. 6251, by Senators Dhingra, Keiser, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Robinson, Saldaña, Trudeau, Valdez, Wellman, C. Wilson, and J. Wilson

Coordinating regional behavioral crisis response and suicide prevention services.

#### MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 6251 was substituted for Senate Bill No. 6251 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 6251, by Committee on Ways & Means (originally sponsored by Senators Dhingra, Keiser, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Robinson, Saldaña, Trudeau, Valdez, Wellman, C. Wilson, and J. Wilson)

Revised for Second Substitute: Coordinating regional behavioral crisis response services.

Senator Dhingra moved that the following striking amendment no. 556 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health administrative services organizations shall use their authorities under RCW 71.24.045 to establish coordination within the behavioral health crisis response system in each regional service area including, but not limited to, establishing comprehensive protocols for dispatching mobile rapid response crisis teams and community-based crisis teams. In furtherance of this:

(1) The behavioral health administrative services organization may convene regional behavioral health crisis response system partners and stakeholders within available resources for the purpose of establishing clear regional protocols which memorialize expectations, understandings, lines of communication, and strategies for optimizing crisis response in the regional service area. The regional protocols must describe how crisis response partners will share information consistent with data-sharing requirements under RCW 71.24.890, including real-time information sharing between 988 contact hubs, regional crisis lines, or their successors, to create a seamless delivery system that is person-centered;

(2) Behavioral health administrative services organizations shall submit regional protocols created under subsection (1) of this section to the authority for approval. If the authority does not respond within 90 days of submission, the regional protocols shall be considered approved until such time as the behavioral health administrative services organization and the authority agree to updated protocols. A behavioral health administrative services organization must notify the authority by January 1, 2025, if it does not intend to develop and submit regional protocols;

(3) A behavioral health administrative services organization may recommend to the department the 988 contact hub or hubs which it determines to be the best fit for partnership and implementation of regional protocols in its regional service area among candidates which are able to meet necessary state and federal requirements. The 988 contact hub or hubs recommended by the behavioral health administrative services organization must be able to connect to the culturally appropriate behavioral health crisis response services established under this chapter;

(4) The department may designate additional 988 contact hubs recommended by a behavioral health administrative services organization within available resources and when the addition of more hubs is consistent with the rules adopted under RCW 71.24.890 and a need identified in regional protocols. If the department declines to designate a 988 contact hub that has been recommended by a behavioral health administrative services organization, the department shall provide a written explanation of its reasons to the behavioral health administrative services organization;

(5) The department and the authority shall provide support to a behavioral health administrative services organization in the development of protocols under subsection (1) of this section upon request by the behavioral health administrative services organization;

(6) Regional protocols established under subsection (1) of this section must be in writing and, once approved, copies shall be provided to the department, authority, and state 911 coordination office. The regional protocols should be updated as needed and at intervals of no longer than three years; and

(7) For the purpose of subsection (1) of this section, partners and stakeholders in the coordinated regional behavioral health

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

crisis response system include but are not limited to regional crisis lines, 988 contact hubs, certified public safety telecommunicators, local governments, tribal governments, first responders, co-response teams, hospitals, organizations representing persons with lived experience, and behavioral health agencies.

**Sec. 2.** RCW 71.24.025 and 2023 c 454 s 1 and 2023 c 433 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "23-hour crisis relief center" means a community-based facility or portion of a facility serving adults, which is licensed or certified by the department of health and open 24 hours a day, seven days a week, offering access to mental health and substance use care for no more than 23 hours and 59 minutes at a time per patient, and which accepts all behavioral health crisis walk-ins drop-offs from first responders, and individuals referred through the 988 system regardless of behavioral health acuity, and meets the requirements under RCW 71.24.916.

(2) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

(3) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(4) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(6) "Authority" means the Washington state health care authority.

(7) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(8) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(9) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related

issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(10) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(11) "Behavioral health services" means mental health services, substance use disorder treatment services, and co-occurring disorder treatment services as described in this chapter and chapter 71.36 RCW that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(12) "Child" means a person under the age of eighteen years.

(13) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(14) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(15) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(16) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(17) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(18) "Community-based crisis team" means a team that is part of an emergency medical services agency, a fire service agency, a public health agency, a medical facility, a nonprofit crisis response provider, or a city or county government entity, other than a law enforcement agency, that provides the on-site

community-based interventions of a mobile rapid response crisis team for individuals who are experiencing a behavioral health crisis.

(19) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(20) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(21) "Crisis stabilization services" means services such as 23-hour crisis relief centers, crisis stabilization units, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs, or determine the need for involuntary hospitalization of an individual.

(22) "Crisis stabilization unit" has the same meaning as under RCW 71.05.020.

(23) "Department" means the department of health.

(24) "Designated 988 contact hub" or "988 contact hub" means a state-designated contact center that streamlines clinical interventions and access to resources for people experiencing a behavioral health crisis and participates in the national suicide prevention lifeline network to respond to statewide or regional 988 contacts that meets the requirements of RCW 71.24.890.

(25) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(26) "Director" means the director of the authority.

(27) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(28) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(7).

(29) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (30) of this section.

(30) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(31) "First responders" includes ambulance, fire, mobile rapid response crisis team, coresponder team, designated crisis responder, fire department mobile integrated health team, community assistance referral and education services program under RCW 35.21.930, and law enforcement personnel.

(32) "Indian health care provider" means a health care program

operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(33) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(34) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(36) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(37) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(38) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(39) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(40) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (3), (13), (48), and (49) of this section.

(41) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.



THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

(42) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(43) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (30) of this section but does not meet the full criteria for evidence-based.

(44) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(45) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(46) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(47) "Secretary" means the secretary of the department of health.

(48) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(49) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(50) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(51) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(52) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(53) "Coordinated regional behavioral health crisis response system" means the coordinated operation of 988 call centers, regional crisis lines, certified public safety telecommunicators, and other behavioral health crisis system partners within each regional service area.

(54) "Regional crisis line" means the behavioral health crisis hotline in each regional service area which provides crisis response services 24 hours a day, seven days a week, 365 days a year including but not limited to dispatch of mobile rapid

response crisis teams, community-based crisis teams, and designated crisis responders.

**Sec. 3.** RCW 71.24.045 and 2022 c 210 s 27 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; ~~((and))~~

(vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board and efforts to support access to services or to improve the behavioral health system; and

(viii) Duties under section 1 of this act;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization

must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance for assisted outpatient treatment under RCW 71.05.148 and 71.34.815.

**Sec. 4.** RCW 71.24.890 and 2023 c 454 s 5 and 2023 c 433 s 16 are each reenacted and amended to read as follows:

(1) Establishing the state designated 988 contact hubs and enhancing the crisis response system will require collaborative work between the department ~~((and))~~, the authority, and regional system partners within their respective roles. The department shall have primary responsibility for ~~((establishing and))~~ designating ~~((the designated))~~ 988 contact hubs, and shall seek recommendations from the behavioral health administrative services organizations to determine which 988 contact hubs best meet regional needs. The authority shall have primary responsibility for developing ~~((and))~~, implementing, and facilitating coordination of the crisis response system and services to support the work of the designated 988 contact hubs, regional crisis lines, and other coordinated regional behavioral health crisis response system partners. In any instance in which one agency is identified as the lead, the expectation is that agency will ~~((be communicating and collaborating))~~ communicate and collaborate with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the ~~((call centers))~~ 988 contact hubs based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades. ~~((In contracting))~~ Contracts with the ~~((crisis call centers, the department))~~ 988 contact hubs:

(a) May provide funding to support regional crisis ~~((call centers))~~ lines administered by behavioral health administrative services organizations and designated 988 contact hubs to enter into limited on-site partnerships with the public safety answering point to increase the coordination and transfer of behavioral health calls received by certified public safety telecommunicators that are better addressed by clinic interventions provided by the ~~((988))~~ coordinated regional behavioral health crisis response system. Tax revenue may be used to support on-site partnerships;

(b) Shall require that ~~((crisis call centers))~~ 988 contact hubs enter into data-sharing agreements, when appropriate, with the department, the authority, regional crisis lines, and applicable

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

regional behavioral health administrative services organizations to provide reports and client level data regarding 988 ~~((crisis hotline))~~ contact hub calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information ~~((, including))~~. Data-sharing agreements with regional crisis lines must include real-time information sharing. All coordinated regional behavioral health crisis response system partners must share dispatch time, arrival time, and disposition ((of the outreach for each call)) for behavioral health calls referred for outreach by each region consistent with any regional protocols developed under section 1 of this act. The department and the authority shall establish requirements ~~((that the crisis call centers))~~ for 988 contact hubs to report ((the)) data ((identified in this subsection (2)(b))) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW ~~((including, but not limited to,))~~. The behavioral health administrative services organization may use information received from the 988 contact hubs in administering crisis services for the assigned regional service area, contracting with a sufficient number of licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(3) The department shall adopt rules by January 1, 2025, to establish standards for designation of crisis call centers as designated 988 contact hubs. The department shall collaborate with the authority ~~((and))~~, other agencies, and coordinated regional behavioral health crisis response system partners to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from behavioral health administrative services organizations and the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate ~~((designated))~~ 988 contact hubs considering the recommendations of behavioral health administrative services organizations by January 1, 2026. The designated 988 contact hubs shall provide connections to crisis intervention services, triage, care coordination, and referrals ~~((, and connections to))~~ for individuals contacting the 988 ~~((crisis hotline))~~ contact hubs from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a ~~((designated))~~ 988 contact hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide ~~((designated))~~ 988 contact hub services. ~~((The department may revoke the designation of any designated 988 contact hub that fails to substantially comply with the contract))~~ If a 988 contact hub fails to substantially comply with the contract, data-sharing requirements, or approved regional protocols developed under section 1 of this act, the department shall revoke the designation of the 988 contact hub and, after consulting with the affected behavioral health administrative services organization, may designate a 988 contact hub recommended by a behavioral health administrative services organization which is able to meet necessary state and federal requirements.

(b) The contracts entered shall require designated 988 contact

hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners for callers that need additional clinical interventions, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Train employees on agricultural community cultural competencies for suicide prevention, which may include sharing resources with callers that are specific to members from the agricultural community. The training must prepare staff to provide appropriate assessments, interventions, and resources to members of the agricultural community. Employees may make warm transfers and referrals to a crisis hotline that specializes in working with members from the agricultural community, provided that no person contacting 988 shall be transferred or referred to another service if they are currently in crisis and in need of emotional support;

(v) Prominently display 988 crisis hotline information on their websites and social media, including a description of what the caller should expect when contacting the crisis call center and a description of the various options available to the caller, including call lines specialized in the behavioral health needs of veterans, American Indian and Alaska Native persons, Spanish-speaking persons, and LGBTQ populations. The website may also include resources for programs and services related to suicide prevention for the agricultural community;

(vi) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline;

~~((vii))~~ Develop and submit to the department protocols between the designated 988 contact hub and 911 call centers within the region in which the designated crisis call center operates and receive approval of the protocols by the department and the state 911 coordination office;

~~((viii))~~ Develop, in collaboration with the region's behavioral health administrative services organizations, and jointly submit to the authority) Collaborate with coordinated regional behavioral health crisis response system partners within the 988 contact hub's regional service area to develop protocols under section 1 of this act, including protocols related to the dispatching of mobile rapid response crisis teams and community-based crisis teams endorsed under RCW 71.24.903 ((and receive approval of the protocols by the authority));

~~((ix))~~ (viii) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority; and

~~((x))~~ (ix) Enter into data-sharing agreements with the department, the authority, regional crisis lines, and applicable

~~((regional))~~ behavioral health administrative services organizations to provide reports and client level data regarding 988 ~~((crisis hotline))~~ contact hub calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information, ~~((including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region))~~ which shall include sharing real-time information with regional crisis lines. The department and the authority shall establish requirements that the designated 988 contact hubs report ~~((the))~~ data ~~((identified in this subsection (4)(b)(x)))~~ to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number ~~((or))~~ of licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with designated 988 contact hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The department and the authority must include ~~((the crisis call centers and))~~ designated 988 contact hubs, regional crisis lines, and behavioral health administrative services organizations in the decision-making process for selecting any technology platforms that will be used to operate the system. No decisions made by the department or the authority shall interfere with the routing of the 988 ~~((crisis hotline))~~ contact hubs calls, texts, or chat as part of Washington's active agreement with the administrator of the national suicide prevention lifeline or 988 administrator that routes 988 contacts into Washington's system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform for use in ~~((designated))~~ 988 contact hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2024, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to designated 988 contact hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types and recliner chairs, including but not limited to crisis stabilization services, 23-hour crisis relief centers, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both

voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the designated 988 contact ~~((hub))~~ hubs to actively collaborate with regional crisis lines, emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

~~((b))~~ (b) The means to track the outcome of the 988 call to enable appropriate follow-up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the designated 988 contact hub;

(c) A means to facilitate actions to verify and document whether the person's transition to follow-up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the designated 988 contact hub;

(d) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

(e) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with designated 988 contact hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 ~~((crisis hotline))~~ contact hub or a regional crisis line experiencing urgent,

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by behavioral health administrative services organizations in coordination with designated 988 contact hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 (~~crisis hotline~~) contact hubs to linguistically and culturally competent care.

(8) The department shall monitor trends in 988 crisis hotline caller data, as reported by designated 988 contact hubs under subsection (4)(b)(~~(x)~~) (ix) of this section, and submit an annual report to the governor and the appropriate committees of the legislature summarizing the data and trends beginning December 1, 2027."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.045; reenacting and amending RCW 71.24.025 and 71.24.890; and adding a new section to chapter 71.24 RCW."

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

The President declared the question before the Senate to be the adoption of striking amendment no. 556 by Senator Dhingra to Second Substitute Senate Bill No. 6251.

The motion by Senator Dhingra carried and striking amendment no. 556 was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra 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. 6251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6251 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6251, 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. 5780, by Senators Torres, Dhingra, Padden, Boehnke, L. Wilson, Braun, Frame, Hasegawa, Kuderer, Lovick, Mullet, Nguyen, Warnick, and J. Wilson

Expanding training opportunities for public defense.

MOTIONS

On motion of Senator Torres, Second Substitute Senate Bill No. 5780 was substituted for Senate Bill No. 5780 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5780, by Committee on Ways & Means (originally sponsored by Senators Torres, Dhingra, Padden, Boehnke, L. Wilson, Braun, Frame, Hasegawa, Kuderer, Lovick, Mullet, Nguyen, Warnick, and J. Wilson)

Revised for Second Substitute: Encouraging participation in public defense and prosecution professions.

On motion of Senator Torres, the rules were suspended, Second Substitute Senate Bill No. 5780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Torres, Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5780.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5780 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5780, 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. 5938, by Senators Wilson, C., Lovelett, Frame, Hasegawa, Kuderer, Nguyen, Nobles, and Wellman

Modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5938 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. 5938.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5938 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, 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. 5938, 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. 6095, by Senators Robinson and Valdez

Establishing clear authority for the secretary of health to issue standing orders.

The measure was read the second time.

#### MOTION

Senator Rivers moved that the following amendment no. 627 by Senator Rivers be adopted:

On page 2, line 8, after "section" insert ", other than for acts or omissions constituting gross negligence or willful or wanton misconduct"

Senators Rivers and Robinson spoke in favor of adoption of the

amendment.

The President declared the question before the Senate to be the adoption of amendment no. 627 by Senator Rivers on page 2, line 8 to Senate Bill No. 6095.

The motion by Senator Rivers carried and amendment no. 627 was adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, amendment no. 625 by Senator Short on page 4, line 3 to Senate Bill No. 6095 was withdrawn.

#### MOTION

Senator Wilson, L. moved that the following amendment no. 626 by Senator Wilson, L. be adopted:

On page 4, after line 3, insert the following:

"(10) Nothing in this section shall be construed to allow the secretary or the secretary's designee to issue a standing order to require a person to take a drug or biological product or withhold a drug or biological product from a person."

Senators Wilson, L. and Robinson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 626 by Senator Wilson, L. on page 4, after line 3 to Senate Bill No. 6095.

The motion by Senator Wilson, L. carried and amendment no. 626 was adopted by voice vote.

#### MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6095.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6095 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, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, 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.

ENGROSSED SENATE BILL NO. 6095, 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.

SENATE BILL NO. 5816, by Senators Van De Wege, Trudeau, Mullet, and Nguyen

Concerning alcohol server permits.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following amendment no. 621 by Senator Van De Wege be adopted:

On page 2, line 35, after "this state" strike "or" and insert "~~(or)~~,"

On page 2, line 36, after "felony" insert "under chapter 9A.40, 9A.44, 9A.46, 9A.86, or 9A.88 RCW, or a felony"

Senators Van De Wege and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 621 by Senator Van De Wege on page 2, line 35 to Senate Bill No. 5816.

The motion by Senator Van De Wege carried and amendment no. 621 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Senate Bill No. 5816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5816.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5816 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6228, by Senators Dhingra, Hasegawa, Kuderer, Lovelett, Nobles, Randall, Shewmake, Valdez, and Wilson, C.

Concerning treatment of substance use disorders.

On motion of Senator Dhingra, Second Substitute Senate Bill No. 6228 was substituted for Senate Bill No. 6228 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 6228, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Hasegawa, Kuderer, Lovelett, Nobles, Randall, Shewmake, Valdez, and Wilson, C.)

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 6228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra 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. 6228.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6228 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 6228, 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 11:32 a.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.

----

The Senate was called to order at 2:35 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5444, by Senators Valdez, Hunt, Kuderer, Nguyen, Pedersen, and Saldaña

Concerning firearm sensitive places.

MOTION

On motion of Senator Valdez, Second Substitute Senate Bill No. 5444 was substituted for Substitute Senate Bill No. 5444 and the substitute bill was placed on the second reading and read the

second time.

SECOND SUBSTITUTE SENATE BILL NO. 5444, by Committee on Ways & Means (originally sponsored by Senators Valdez, Hunt, Kuderer, Nguyen, Pedersen, and Saldaña)

Revised for Second Substitute: Restricting the possession of weapons, excluding carrying a pistol by a person licensed to carry a concealed pistol, on the premises of libraries, zoos, aquariums, and transit facilities.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, amendment no. 630 by Senator Wilson, L. on page 3, line 7 to Second Substitute Senate Bill No. 5444 was withdrawn.

#### MOTION

Senator Wilson, L. moved that the following amendment no. 633 by Senator Wilson, L. be adopted:

On page 3, line 7, after "RCW:" insert "or"

On page 3, beginning on line 12, after "plan" strike all material through "system" on line 24

Correct any internal references accordingly.

On page 1, beginning on line 3 of the title, after "zoos," strike all material through "facilities" on line 4, and insert "and aquariums"

Senators Wilson, L., Fortunato, and Wagoner spoke in favor of adoption of the amendment.

Senators Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 633 by Senator Wilson, L. on page 3, line 7 to Second Substitute Senate Bill No. 5444.

The motion by Senator Wilson, L. did not carry and amendment no. 633 was not adopted by voice vote.

#### MOTION

On motion of Senator Valdez, the rules were suspended, Second Substitute Senate Bill No. 5444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Valdez spoke in favor of passage of the bill.

Senators Padden, Fortunato, Wagoner and Wilson, L. 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. 5444.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5444 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, 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, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5444, 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. 5891, by Senators Boehnke, Lovick, Keiser, Liias, Mullet, Torres, Wagoner, Warnick, C. Wilson, and J. Wilson

Designating trespassing on a public school bus as a felony offense.

#### MOTION

On motion of Senator Boehnke, Substitute Senate Bill No. 5891 was substituted for Senate Bill No. 5891 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5891, by Committee on Law & Justice (originally sponsored by Senators Boehnke, Lovick, Keiser, Liias, Mullet, Torres, Wagoner, Warnick, C. Wilson, and J. Wilson)

Revised for substitute: Designating trespassing on a school bus as a felony offense.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Boehnke and without objection, amendment no. 506 by Senator Boehnke on page 2, line 4 to Substitute Senate Bill No. 5891 was withdrawn.

#### MOTION

Senator Boehnke moved that the following amendment no. 618 by Senator Boehnke be adopted:

On page 1, line 3 of the title, after "as a" strike "felony" and insert "criminal"

Senator Boehnke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 618 by Senator Boehnke on page 1, line 3 to Substitute Senate Bill No. 5891.

The motion by Senator Boehnke carried and amendment no. 618 was adopted by voice vote.

#### MOTION

On motion of Senator Boehnke, the rules were suspended, Engrossed Substitute Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5891, by Committee on Law & Justice (originally sponsored by Senators Boehnke, Lovick, Keiser, Liias, Mullet, Torres, Wagoner, Warnick, C. Wilson, and J. Wilson)

Revised for engrossed: Protecting the safety and security of students and maintaining order within school buses by designating trespassing on a school bus as a criminal offense.



THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

Senators Boehnke, Lovick and Padden spoke in favor of passage of the bill.

SECOND READING

Senator Salomon spoke against passage of the bill.

SENATE BILL NO. 5160, by Senator Wilson, L.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5891.

Concerning organized retail theft.

The measure was read the second time.

## ROLL CALL

## MOTION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

On motion of Senator Torres, the rules were suspended, Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Torres spoke in favor of passage of the bill.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5160.

## ROLL CALL

Voting nay: Senators Saldaña, Trudeau and Valdez

The Secretary called the roll on the final passage of Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5891, 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.

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

## SECOND READING

SENATE BILL NO. 5789, by Senator Torres

Concerning the sales and use tax for school construction assistance program capital projects.

SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The measure was read the second time.

## MOTION

## SECOND READING

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 5789, by Senators Mullet, Schoesler, Dozier, Nobles, Pedersen, and Torres

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

Creating a new statutory framework for the use of public-private partnerships for transportation projects.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5789.

## MOTIONS

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5789 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

On motion of Senator Liias, Substitute Senate Bill No. 6277 was substituted for Senate Bill No. 6277 and the substitute bill was placed on the second reading and read the second time.

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

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King 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. 6277.

## ROLL CALL

SENATE BILL NO. 5789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6277 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias,

Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 6277, 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. 5722, by Senators Kuderer, King, Dhingra, Fortunato, and Wilson, C.

Concerning photographs, microphotographs, and electronic images from traffic safety cameras and toll systems.

#### MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5722 was substituted for Senate Bill No. 5722 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5722, by Senate Committee on Law & Justice (originally sponsored by Kuderer, King, Dhingra, Fortunato, and Wilson, C.)

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Wilson, C., Senators Nobles and Trudeau were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5722.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5722 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Dozier, Frame, Gildon, Hansen, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Nguyen, Pedersen, Randall, Robinson, Saldaña, Shewmake, Stanford, Valdez, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Boehnke, Braun, Fortunato, Holy, Muzzall, Padden, Rivers, Salomon, Schoesler, Short, Torres, Warnick and Wilson, L.

Excused: Senators Nobles and Trudeau

SUBSTITUTE SENATE BILL NO. 5722, 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. 5869, by Senators Short, Lovelett, Dozier, Nobles, Shewmake, Torres, Wagoner, and Warnick

Concerning rural fire district stations.

#### MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 5869 was substituted for Senate Bill No. 5869 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5869, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Short, Lovelett, Dozier, Nobles, Shewmake, Torres, Wagoner, and Warnick)

On motion of Senator Short, the rules were suspended, Substitute Senate Bill No. 5869 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5869.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Nobles and Trudeau

SUBSTITUTE SENATE BILL NO. 5869, 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. 6109, by Senators Wilson, C., Boehnke, Braun, Gildon, Hasegawa, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Saldaña, Short, Warnick, and Wilson, J.

Supporting children and families.

#### MOTIONS

On motion of Senator Wilson, C., Second Substitute Senate Bill No. 6109 was substituted for Senate Bill No. 6109 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 6109, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Boehnke, Braun, Gildon, Hasegawa, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Saldaña, Short, Warnick, and Wilson, J.)

Senator Wilson, C. moved that the following amendment no. 595 by Senator Wilson, C. be adopted:

Beginning on page 25, line 14, strike all of section 109 and insert the following:

**"NEW SECTION. Sec. 109.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in collaboration with the department of children, youth, and families, shall convene a work group on children and exposure to fentanyl to provide information for child welfare workers, juvenile courts, and families regarding the risks of fentanyl exposure for children and child welfare workers in child protective services investigations. The information shall be made available to child welfare court professionals, including:

(a) Department of children, youth, and families employees supporting or providing child welfare services as defined in RCW 74.13.020 or child protective services as defined in RCW 26.44.020;

- (b) Attorneys;
- (c) Judicial officers; and
- (d) Guardians ad litem.

(2) This section expires July 1, 2025."

On page 28, after line 31, insert the following:

**"NEW SECTION. Sec. 206.** A new section is added to chapter 74.13 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a pilot program to include third-party safety plan participants and public health nurses in child protective services safety planning. The pilot program established in this section must:

(1) Include contracts in up to four department offices for third-party safety plan participants and public health nurses to support child protective services workers in safety planning; and

(2) Provide support for cases involving high-potency synthetic opioids and families who do not have natural supports to aid in safety planning."

On page 1, beginning on line 6 of the title, after "43.216 RCW;" strike "adding a new section to chapter 41.05 RCW;" and insert "adding a new section to chapter 43.70 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.13 RCW;"

The President declared the question before the Senate to be the adoption of amendment no. 595 by Senator Wilson, C. on page 25, line 14 to Second Substitute Senate Bill No. 6109.

The motion by Senator Wilson, C. carried and amendment no. 595 was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Second Substitute Senate Bill No. 6109 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.

MOTION

On motion of Senator Dhingra, Senator Kauffman was excused.

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

6109.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6109 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Hasegawa, Kauffman, Nobles, Randall, Saldaña, Trudeau and Valdez

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6109, 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. 5860, by Senators Fortunato and Padden

Concerning spring blade knives.

The measure was read the second time.

MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Wagoner, Senator Gildon was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5860.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5860 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, Dhingra, Dozier, Fortunato, Frame, Hansen, Hasegawa, Hawkins, Holy, Kauffman, Keiser, King, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Hunt, Lias and Valdez

Excused: Senator Gildon

SENATE BILL NO. 5860, 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. 5904, by Senators Nobles, Hansen, Dhingra, Frame, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Randall, Stanford, Trudeau, Valdez, and Wilson, C.

Extending the terms of eligibility for financial aid programs.

The measure was read the second time.

#### MOTION

On motion of Senator Nobles, the rules were suspended, Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nobles 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. 5904.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

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

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, MacEwen, McCune, Muzzall, Padden, Schoesler, Short, Torres, Wagoner, Warnick and Willson, L.

Excused: Senator Gildon

SENATE BILL NO. 5904, 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. 6175, by Senators Trudeau, Billig, Frame, Kuderer, Mullet, Nguyen, Nobles, Randall, Saldaña, Valdez, and C. Wilson

Concerning housing affordability tax incentives for existing structures.

#### MOTIONS

On motion of Senator Pedersen, Second Substitute Senate Bill No. 6175 was substituted for Senate Bill No. 6175 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 6175, by Committee on Ways & Means (originally sponsored by Senators Trudeau, Billig, Frame, Kuderer, Mullet, Nguyen, Nobles, Randall, Saldaña, Valdez, and C. Wilson)

Revised for Second Substitute: Providing a sales and use tax incentive for existing structures.

Senator Trudeau moved that the following striking amendment no. 629 by Senator Trudeau be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) Many cities in Washington are actively planning for growth under the growth management act, chapter 36.70A RCW, and through tax incentives, the private market can assist Washington in meeting its housing goals;

(2) Many downtown centers lack available affordable housing, which results in long commutes that increase greenhouse gas emissions and by using existing buildings to create affordable housing units, units can be available more quickly and with a reduced impact on waste streams and the environment compared to newly constructed units;

(3) The construction industry provides living wage jobs for families across Washington;

(4) In the current economic climate, the creation of additional affordable housing units is essential to the economic health of our cities and our state;

(5) It is critical that Washington state promote its cities and its property owners that will provide affordable housing;

(6) Constructing new housing units can take years, and many existing buildings can be repurposed quickly to meet the state's workforce and affordable housing needs;

(7) Many existing buildings are located in downtown centers, near work and services where there is limited land available for new construction;

(8) In downtowns across the state, there is a high level of open commercial space, which will likely remain, due to changes in how businesses use office space following the COVID-19 pandemic;

(9) A meaningful, fair, and predictable economic incentive should be created to stimulate the redevelopment of underutilized commercial property in targeted urban areas through a limited sales and use tax deferral program as provided by this chapter; and

(10) This limited tax deferral will help the owners achieve the highest and best use of land and enable cities to more fully realize their planning goals.

NEW SECTION. Sec. 2. It is the purpose of this chapter to encourage the redevelopment of underutilized commercial property in targeted urban areas, thereby increasing affordable housing, employment opportunities, and helping accomplish the other planning goals of Washington cities. The legislative authorities of cities to which this chapter applies may authorize a sales and use tax deferral for an investment project within the city if the legislative authority of the city finds that there are significant areas of underutilized commercial property and a lack of affordable housing in areas proximate to the land. If a conditional recipient maintains the property for qualifying purposes for at least 10 years, deferred sales and use taxes need not be repaid.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means:

(a) Homeownership housing intended for owner occupancy to low-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income;

(b) "Rental housing" for low-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

(2) "Applicant" means an owner of commercial property.

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

(3) "City" means any city or town, including a code city.

(4) "Conditional recipient" means an owner of commercial property granted a conditional certificate of program approval under this chapter, which includes any successor owner of the property.

(5) "County median price" means the most recently published quarterly data of median home prices by the Washington center for real estate research.

(6) "Eligible investment project" means an investment project that is located in a city and receiving a conditional certificate of program approval.

(7) "Fair market rent" means the fair market rents within counties as published by the federal department of housing and urban development.

(8) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which a deferral may be granted under this chapter.

(9) "Household" means a single person, family, or unrelated persons living together.

(10)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(11) "Investment project" means an investment in multifamily housing, including labor, services, and materials incorporated in the planning, installation, and construction of the project. "Investment project" includes investment in related facilities such as playgrounds and sidewalks as well as facilities used for business use for mixed-use development.

(12) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(13) "Multifamily housing" means a building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from rehabilitation or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(14) "Owner" means the property owner of record.

(15) "Underutilized commercial property" means an entire property, or portion thereof, currently used or intended to be used by a business for retailing or office-related or administrative activities. If the property is used partly for a qualifying use and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department. For the purposes of this subsection, "qualifying use" means used or intended to be used by a business for retailing or office-related or administrative activities.

**NEW SECTION. Sec. 4.** (1) For the purpose of creating a sales and use tax deferral program for conversion of a commercial building to provide affordable housing under this chapter, the governing authority must adopt a resolution of intention to create a sales and use tax deferral program as generally described in the resolution. The resolution must state the time and place of a

hearing to be held by the governing authority to consider the creation of the tax deferral program and may include such other information pertaining to the creation of the deferral program as the governing authority determines to be appropriate to apprise the public of the action intended. However, the resolution must provide information pertaining to:

- (a) The application process;
- (b) The approval process;
- (c) The appeals process for applications denied approval; and
- (d) Additional requirements, conditions, and obligations that must be followed postapproval of an application.

(2) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than 30 days before the date of the hearing in a paper having a general circulation in the city. The notice must state the time, date, place, and purpose of the hearing.

(3) Following the hearing or a continuance of the hearing, the governing authority may authorize the creation of the program.

**NEW SECTION. Sec. 5.** An owner of underutilized commercial property seeking a sales and use tax deferral for conversion of a commercial building to provide affordable housing under this chapter on an investment project must complete the following procedures:

(1) The owner must apply to the city on forms adopted by the governing authority. The application must contain the following:

- (a) Information setting forth the grounds supporting the requested deferral including information indicated on the application form or in the guidelines;
- (b) A description of the investment project and site plan, and other information requested;
- (c) A statement of the expected number of affordable housing units to be created;
- (d) A statement that the applicant is aware of the potential tax liability involved if the investment project ceases to be used for eligible uses under this chapter;
- (e) A statement that the applicant is aware that the investment project must be completed within three years from the date of approval of the application;
- (f) A statement that the applicant is aware that the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed 24 consecutive months; and
- (g) A statement that the applicant would not have built in this location but for the availability of the tax deferral under this chapter;

(2) The applicant must verify the application by oath or affirmation; and

(3) The application must be accompanied by the application fee, if any, required under this chapter. The duly authorized administrative official or committee of the city may permit the applicant to revise an application before final action by the duly authorized administrative official or committee of the city.

**NEW SECTION. Sec. 6.** The duly authorized administrative official or committee of the city may approve the application and grant a conditional certificate of program approval if it finds that:

(1)(a) The investment project is set aside primarily for multifamily housing units and the applicant commits to renting or selling at least 10 percent of the units as affordable housing to low-income households. In a mixed use project, only the ground floor of a building may be used for commercial purposes with the remainder dedicated to multifamily housing units;

(b) At least 50 percent of the investment project set aside for

multifamily housing units will be rented at a price at or below fair market rent for the county or sold at a price at or below county median price; and

(c) The applicant commits to any additional affordability and income eligibility conditions adopted by the local government under this chapter not otherwise inconsistent with this chapter;

(2) The investment project is, or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(3) The investment project will occur on land that constitutes, at the time of application, underutilized commercial property;

(4) The area where the investment project will occur is located within an area zoned for residential or mixed uses;

(5) The terms and conditions of the implementation of the development meets the requirements of this chapter and any requirements of the city that are not otherwise inconsistent with this chapter;

(6) The land where the investment project will occur was not acquired through a condemnation proceeding under Title 8 RCW; and

(7) All other requirements of this chapter have been satisfied as well as any other requirements of the city that are not otherwise inconsistent with this chapter.

**NEW SECTION. Sec. 7.** (1) The duly authorized administrative official or committee of the city must approve or deny an application filed under this chapter within 90 days after receipt of the application.

(2) If the application is approved, the city must issue the applicant a conditional certificate of program approval. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the investment project as described in the application will comply with the required criteria of this chapter.

(3) If the application is denied by the city, the city must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within 10 days of the denial.

(4) Upon denial by the city, an applicant may appeal the denial to the city's governing authority or a city official designated by the city to hear such appeals within 30 days after receipt of the denial. The appeal before the city's governing authority or designated city official must be based upon the record made before the city with the burden of proof on the applicant to show that there was no substantial evidence to support the city's decision. The decision of the city on the appeal is final.

**NEW SECTION. Sec. 8.** The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority in administering the program under this chapter. The application fee must be paid at the time the application for program approval is filed.

**NEW SECTION. Sec. 9.** (1) Within 30 days of the issuance of a certificate of occupancy for an eligible investment project, the conditional recipient must file with the city the following:

(a) A description of the work that has been completed and a statement that the eligible investment project qualifies the property for a sales and use tax deferral under this chapter;

(b) A statement of the new affordable housing to be offered as a result of the conversion of underutilized commercial property to multifamily housing; and

(c) A statement that the work has been completed within three years of the issuance of the conditional certificate of program approval.

(2) Within 30 days after receipt of the statements required under subsection (1) of this section, the city must determine and notify the conditional recipient as to whether the work completed and the affordable housing to be offered are consistent with the

application and the contract approved by the city, and the investment project continues to qualify for a tax deferral under this chapter. The conditional recipient must notify the department within 30 days from receiving the city's determination to report the project is operationally complete so the department can certify the project and determine the qualifying deferred taxes. The department must determine the amount of sales and use taxes qualifying for the deferral. If the department determines that purchases were not eligible for deferral it must assess interest, but not penalties, on the nonqualifying amounts.

(3) The city must notify the conditional recipient within 30 days that a tax deferral under this chapter is denied if the city determines that:

(a) The work was not completed within three years of the application date;

(b) The work was not constructed consistent with the application or other applicable requirements;

(c) The affordable housing units to be offered are not consistent with the application and criteria of this chapter; or

(d) The owner's property is otherwise not qualified for a sales and use tax deferral under this chapter.

(4) If the city finds that the work was not completed within the required time period due to circumstances beyond the control of the conditional recipient and that the conditional recipient has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority may extend the deadline for completion of the work for a period not to exceed 24 consecutive months, and must notify the department of the extension.

(5) The city's governing authority may enact an ordinance to provide a process for a conditional recipient to appeal a decision by the city that the conditional recipient is not entitled to a deferral of sales and use taxes. The conditional recipient may appeal a decision by the city to deny a deferral of sales and use taxes in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within 30 days of notification by the city to the conditional recipient.

(6) A city denying a conditional recipient of a sales and use tax deferral under subsection (3) of this section must notify the department and taxes deferred under this chapter are immediately due and payable, subject to any appeal by the conditional recipient. The department must assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

**NEW SECTION. Sec. 10.** (1) Thirty days after the anniversary of the date of issuance of the certificate of occupancy and each year thereafter for 10 years, the conditional recipient must file with a designated authorized representative of the city an annual report indicating the following:

(a) A statement of the affordable housing units constructed on the property as of the anniversary date;

(b) A certification by the conditional recipient that the property has not changed use;

(c) A description of changes or improvements constructed after issuance of the certificate of occupancy; and

(d) Any additional information requested by the city.

(2) The conditional recipient of a deferral of taxes under this chapter must file a complete annual tax performance report with the department pursuant to RCW 82.32.534 beginning the year the certificate of occupancy is issued and each year thereafter for 10 years.

(3) A city that issues a certificate of program approval under this chapter must report annually by December 31st of each year, beginning in 2025, to the department of commerce. The report must include the following information:

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

- (a) The number of program approval certificates granted;
- (b) The total number and type of buildings converted;
- (c) The number of affordable housing units resulting from the conversion of underutilized commercial property to multifamily housing; and
- (d) The estimated value of the sales and use tax deferral for each investment project receiving a program approval and the total estimated value of sales and use tax deferrals granted.

**NEW SECTION. Sec. 11.** (1) A conditional recipient must submit an application to the department before initiation of the construction of the investment project. In the case of an investment project involving multiple qualified buildings, applications must be made for, and before the initiation of construction of, each qualified building. The application must be made to the department in a form and manner prescribed by the department. The application must include a copy of the conditional certificate of program approval issued by the city, estimated construction costs, time schedules for completion and operation, and any other information required by the department. The department must rule on the application within 60 days.

(2) The department must provide information to the conditional recipient regarding documentation that must be retained by the conditional recipient in order to substantiate the amount of sales and use tax actually deferred under this chapter.

(3) The department may not accept applications for the deferral under this chapter after June 30, 2034.

(4) The application must include a waiver by the conditional recipient of the four-year limitation under RCW 82.32.100.

(5) This section expires July 1, 2034.

**NEW SECTION. Sec. 12.** (1) After receiving the conditional certificate of program approval issued by the city and approval of an application by the department as provided in section 11(1) of this act, the department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, 82.14, and 81.104 RCW on each eligible investment project.

(2) The department must keep a running total of all estimated sales and use tax deferrals provided under this chapter during each fiscal biennium.

(3) The deferral certificate is valid during active construction of a qualified investment project and expires on the day the city issues a certificate of occupancy for the investment project for which a deferral certificate was issued.

(4) This section expires July 1, 2034.

**NEW SECTION. Sec. 13.** (1) If a conditional recipient voluntarily opts to discontinue compliance with the requirements of this chapter, the recipient must notify the city and department within 60 days of the change in use or intended discontinuance.

(2) If, after the department has issued a sales and use tax deferral certificate and the conditional recipient has received a certificate of occupancy, the city finds that a portion of an investment project is changed or will be changed to disqualify the recipient for sales and use tax deferral eligibility under this chapter, the city must notify the department and all deferred sales and use taxes are immediately due and payable. The department must assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

(3) This section does not apply after 10 years from the date of the certificate of occupancy.

**NEW SECTION. Sec. 14.** (1) Transfer of investment project ownership does not terminate the deferral. The deferral is transferred subject to the successor meeting the eligibility requirements of this chapter.

(2) The transferor of an eligible project must notify the city and the department of such transfer. The city must certify to the department that the successor meets the requirements of the deferral. The transferor must provide the information necessary for the department to transfer the deferral. If the transferor fails to notify the city and the department, all deferred sales and use taxes are immediately due and payable. The department must assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral.

**NEW SECTION. Sec. 15.** (1) This section is the tax preference performance statement for the tax preference contained in chapter . . . , Laws of 2024 (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 induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to expand affordable housing options for low-income households, specifically in urban areas where there is underutilized commercial property.

(4)(a) To measure the effectiveness of the tax preference in this act, the joint legislative audit and review committee must evaluate the number of increased housing units on underutilized commercial property. If a review finds that the number of affordable housing units has not increased, then the legislature intends to repeal this tax preference.

(b) The review must be provided to the fiscal committees of the legislature by December 31, 2032.

(5) 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 any available data source, including data collected by the department under section 10 of this act.

**NEW SECTION. Sec. 16.** An owner of underutilized commercial property claiming a sales and use tax deferral under this chapter may also apply for the multiple-unit housing property tax exemption program under chapter 84.14 RCW. For applicants receiving the property tax exemption under chapter 84.14 RCW, the amount of affordable housing units required for eligibility under this chapter is in addition to the affordability conditions in chapter 84.14 RCW.

**Sec. 17.** RCW 84.14.010 and 2021 c 187 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

(2) "Campus facilities master plan" means the area that is defined by the University of Washington as necessary for the future growth and development of its campus facilities for campuses authorized under RCW 28B.45.020.

(3) "City" means either (a) a city or town with a population of at least fifteen thousand, (b) the largest city or town, if there is no city or town with a population of at least fifteen thousand, located in a county planning under the growth management act, (c) a city or town with a population of at least five thousand located in a county subject to the provisions of RCW 36.70A.215, or (d) any

city that otherwise does not meet the qualifications under (a) through (c) of this subsection, until December 31, 2031, that complies with RCW 84.14.020(1)(a)(iii) or 84.14.021(1)(b).

(4) "Conversion" means the conversion of a nonresidential building, in whole or in part, to multiple-unit housing under this chapter.

(5) "County" means a county with an unincorporated population of at least 170,000.

(6) "Governing authority" means the local legislative authority of a city or a county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(7) "Growth management act" means chapter 36.70A RCW.

(8) "Household" means a single person, family, or unrelated persons living together.

(9) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(10) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(11) "Multiple-unit housing" means a building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(12) "Owner" means the property owner of record.

(13) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(14) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(15) "Residential targeted area" means an area within an urban center or urban growth area that has been designated by the governing authority as a residential targeted area in accordance with this chapter. With respect to designations after July 1, 2007, "residential targeted area" may not include a campus facilities master plan.

(16) "Rural county" means a county with a population between fifty thousand and seventy-one thousand and bordering Puget Sound.

(17) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(18) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

NEW SECTION. Sec. 18. Sections 1 through 16 of this act constitute a new chapter in Title 82 RCW."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "housing affordability tax incentives for existing structures; amending RCW 84.14.010; adding a new chapter to Title 82 RCW; and providing expiration dates."

Senators Trudeau, Gildon and Fortunato spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 629 by Senator Trudeau to Second Substitute Senate Bill No. 6175.

The motion by Senator Trudeau carried and striking amendment no. 629 was adopted by voice vote.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, by Committee on Ways & Means (originally sponsored by Senators Trudeau, Billig, Frame, Kuderer, Mullet, Nguyen, Nobles, Randall, Saldaña, Valdez, and C. Wilson)

Revised for engrossed: Concerning housing affordability tax incentives for existing structures.

Senators Trudeau and Fortunato 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. 6175.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6175 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, 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. 6173, by Senators Nobles, Trudeau,



THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

Kuderer, Lovelett, Mullet, Nguyen, Randall, Torres, and Wilson, C.

page 3, line 5 to Senate Bill No. 5997.

The motion by Senator King carried and amendment no. 593 was adopted by voice vote.

Encouraging investments in affordable homeownership unit development.

MOTION

The measure was read the second time.

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Nobles, the rules were suspended, Senate Bill No. 6173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Nobles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5997.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6173.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6173 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5997 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, Hansen, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

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

Voting nay: Senator Hasegawa

ENGROSSED SENATE BILL NO. 5997, 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.

SENATE BILL NO. 6173, 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

SECOND READING

SENATE BILL NO. 5997, by Senators King, Keiser, Frame, Saldaña, Valdez, and Wagoner

SENATE BILL NO. 5952, by Senators Schoesler, Keiser, and Dozier

Making technical corrections to plumbing supervision and trainee hours reporting.

Aligning deputy inspector credentials with national standards.

The measure was read the second time.

The measure was read the second time.

MOTION

MOTION

Senator King moved that the following amendment no. 593 by Senators Keiser and King be adopted:

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

On page 3, line 5, after "~~(is)~~" insert "that are outside the interior walls or above the floor"

The President declared the question before the Senate to be the final passage of Senate Bill No. 5952.

On page 5, beginning on line 21, after "a trainee" strike all material through "and" on line 22 and insert "~~((being on the same jobsite and))~~"

ROLL CALL

On page 6, line 2, after "structure" insert "and limited to the scope of the residential service plumber"

The Secretary called the roll on the final passage of Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On page 6, line 15, after "plumbing" insert "only in a like-in-kind manner"

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short,

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

The President declared the question before the Senate to be the adoption of amendment no. 593 by Senators Keiser and King on

Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5952, 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. 6038, by Senators Wilson, C., Lovelett, Keiser, Kuderer, Lias, Nguyen, Nobles, Randall, Salomon, Valdez, and Wellman

Reducing the costs associated with providing child care.

#### MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 6038 was substituted for Senate Bill No. 6038 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 6038, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Lovelett, Keiser, Kuderer, Lias, Nguyen, Nobles, Randall, Salomon, Valdez, and Wellman)

Senator Robinson moved that the following striking amendment no. 592 by Senator Robinson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2024 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. 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) It is the legislature's specific public policy objective to reduce the costs associated with providing child care by expanding the business and occupation tax exemption for child care services to include income derived from the care and education of children up to age 12.

(4) If a review finds a reduction in the cost of providing child care and education, then the legislature intends to extend the expiration date of this tax preference.

(5) 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 any data collected by the state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by a child care provider for the care or supervision of children:

(a) Under 13 years of age; or

(b) Under 19 years of age who have a verified special need or are under court supervision as determined by the department of children, youth, and families under chapter 43.216 RCW.

(2) This section expires January 1, 2035.

**Sec. 3.** RCW 82.04.2905 and 1998 c 312 s 7 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing child care for periods of less than twenty-four hours(~~(; as to such persons)~~), the amount of tax with respect

to such business (~~(shall be)~~) is equal to the gross proceeds derived from such sales multiplied by the rate of 0.484 percent.

(2) For the purpose of this section, "child care" means the care or supervision of children 13 years of age or older. "Child care" does not include the care and supervision of children under age 19 who have a verified special need or are under court supervision as determined by the department of children, youth, and families under chapter 43.216 RCW.

**Sec. 4.** RCW 43.216.300 and 2018 c 58 s 41 are each amended to read as follows:

~~((4))~~ The secretary (~~(shall)~~) may not charge fees to the licensee for obtaining a child care license. ~~((The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.~~

~~(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.~~

~~(3) The secretary shall establish the fees charged by rule.)~~

**Sec. 5.** RCW 43.216.305 and 2021 c 304 s 14 are each amended to read as follows:

(1) Each agency shall make application for a license or the continuation of a full license to the department using a method prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license or continuation of a full license within ninety days. A license or continuation shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with this chapter, except that an initial license may be issued as provided in RCW 43.216.315. The department shall consider whether an agency is in good standing, as defined in subsection (4)(b) of this section, before granting a continuation of a full license. Full licenses provided for in this chapter shall continue to remain valid so long as the licensee meets the requirements for a nonexpiring license in subsection (2) of this section and may be transferred to a new licensee in the event of a transfer of ownership of a child care operation. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter applies only to the licensee and the location stated in the application. For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

(2) In order to qualify for a nonexpiring full license, a licensee must meet the following requirements on an annual basis as established from the date of initial licensure:

(a) ~~((Submit the annual licensing fee;~~

~~(b))~~ Submit a declaration to the department indicating the licensee's intent to continue operating a licensed child care program, or the intent to cease operation on a date certain;

~~((c))~~ (b) Submit a declaration of compliance with all licensing rules; and

~~((d))~~ (c) For all current employees of the agency and as defined by department rule, submit background check applications into the department's electronic workforce registry on the schedule established by the department.

(3) If a licensee fails to meet the requirements in subsection (2) of this section for continuation of a full license the license expires and the licensee must submit a new application for licensure under this chapter.

(4)(a) Nothing about the nonexpiring license process may interfere with the department's established monitoring practice.

(b) For the purpose of this section, an agency is considered to be in good standing if in the intervening period between monitoring visits the agency does not have any of the following:

(i) Valid complaints;

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

(ii) A history of noncompliance related to those valid complaints or pending from prior monitoring visits; or  
 (iii) Other information that when evaluated would result in a finding of noncompliance with this section.

(c) The department shall consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits, for the purposes of administrative efficiency while protecting children, consistent with this chapter. If the department determines that an agency is not in good standing, the department may issue a probationary license, as provided in RCW 43.216.320.

**NEW SECTION. Sec. 6.** Sections 1, 2, and 3 of this act take effect October 1, 2024."

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 82.04.2905, 43.216.300, and 43.216.305; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date."

MOTION

Senator Wilson, C. moved that the following amendment no. 617 by Senator Wilson, C. be adopted:

Beginning on page 1, line 24, strike all of section 2

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

On page 2, at the beginning of line 4, strike "(1) Upon" and insert "~~((Upon))~~ (1) Except as provided in subsection (2) of this section, upon"

On page 2, beginning on line 9, strike all of subsection (2) and insert the following:

"(2) Until January 1, 2035, this chapter does not apply to amounts received by a child care provider for the care and supervision for periods of less than 24 hours of children:

(a) Under 13 years of age; or

(b) Under 19 years of age who have a verified special need or are under court supervision as determined by the department of children, youth, and families under chapter 43.216 RCW.

(3) The exemption under subsection (2) of this section applies only to persons primarily engaged in the business of providing child care."

On page 4, line 8, after "1" strike ", 2, and 3" and insert "and 2"

On page 4, line 12, after "43.216.305;" strike all material through "date." on line 14 and insert "creating a new section; and providing an effective date."

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

The President declared the question before the Senate to be the adoption of amendment no. 617 by Senator Wilson, C. on page 1, line 24 to striking amendment no. 592.

The motion by Senator Wilson, C. carried and amendment no. 617 was adopted by voice vote.

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

The President declared the question before the Senate to be the adoption of striking amendment no. 592 by Senator Robinson as amended to Substitute Senate Bill No. 6038.

The motion by Senator Robinson carried and striking amendment no. 592 as amended was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute Senate Bill No. 6038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Wilson, L. and Trudeau 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. 6038.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6038 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 6038, 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. 6194, by Senators Stanford, Saldaña, Cleveland, Conway, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Nobles, Randall, Trudeau, Valdez, Van De Wege, and Wilson, C.

Concerning state legislative employee collective bargaining.

MOTIONS

On motion of Senator Stanford, Second Substitute Senate Bill No. 6194 was substituted for Senate Bill No. 6194 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 6194, by Senate Committee on Ways & Means (originally sponsored by Stanford, Saldaña, Cleveland, Conway, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Nobles, Randall, Trudeau, Valdez, Van De Wege, and Wilson, C.)

Senator Stanford moved that the following striking amendment no. 631 by Senator Stanford be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 44.90.020 and 2022 c 283 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Collective bargaining" means the performance of the mutual obligations of the employer and the exclusive bargaining representative to meet at reasonable times, except that neither

party may be compelled to negotiate during a legislative session or on committee assembly days, to confer and negotiate in good faith, and to execute a written agreement with respect to the subjects of bargaining specified under RCW 44.90.090. The obligation to bargain does not compel either party to agree to a proposal or to make a concession unless otherwise provided in this chapter.

(2) "Commission" means the public employment relations commission.

((2)) (3) "Confidential employee" means an employee designated by the employer to assist in a confidential capacity, or serve as counsel to, persons who formulate, determine, and effectuate employer policies with regard to labor relations and personnel matters or who has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies, strategies, or process to the extent that such access creates a conflict of interest, or who assists or aids an employee with managerial authority.

(4) "Director" means the director of the office of state legislative labor relations.

((3)) (5)(a) "Employee" means:

(i) Any regular partisan employee of the house of representatives or the senate who is covered by this chapter; and

(ii) Any regular employee who is staff of the:

(A) Office of legislative support services;

(B) Legislative service center;

(C) Office of the code reviser who, during any legislative session, does not work full time on drafting and finalizing legislative bills to be included in the Revised Code of Washington; and

(D) House of representatives and senate administrations.

(b) "Employee" also includes temporary staff hired to perform substantially similar work to that performed by employees included under (a) of this subsection.

(c) All other regular employees and temporary employees, including casual employees, interns, and pages, and employees in the office of program research and senate committee services work groups of the house of representatives and the senate are excluded from the definition of "employee" for the purposes of this chapter.

(6) "Employee organization" means any organization, union, or association in which employees participate and that exists for the purpose, in whole or in part, of collective bargaining with employers.

((4)) (7) "Employee with managerial authority" means any employee designated by the employer who, regardless of job title: (a) Directs the staff who work for a legislative chamber, caucus, agency, or subdivision thereof; (b) has substantial responsibility in personnel administration, or the preparation and administration of the employer's budgets; and (c) exercises authority that is not merely routine or clerical in nature and requires the use of independent judgment.

(8) "Employer" means:

(a) The chief clerk of the house of representatives, or the chief clerk's designee, for employees of the house of representatives;

(b) The secretary of the senate, or the secretary's designee, for employees of the senate; and

(c) The chief clerk of the house of representatives and the secretary of the senate, acting jointly, or their designees, for the regular employees who are staff of the office of legislative support services, the legislative service center, and the office of the code reviser.

(9) "Exclusive bargaining representative" means any employee organization that has been certified under this chapter as the representative of the employees in an appropriate bargaining unit.

((5)) (10) "Labor dispute" means any controversy concerning

terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment with respect to the subjects of bargaining provided in this chapter, regardless of whether the disputants stand in the proximate relation of employer and employee.

(11) "Legislative agencies" means the joint legislative audit and review committee, the statute law committee, the legislative ethics board, the legislative evaluation and accountability program committee, the office of the state actuary, the legislative service center, the office of legislative support services, the joint transportation committee, and the redistricting commission.

((6)) (12) "Office" means the office of state legislative labor relations.

(13) "Supervisor" means an employee designated by the employer to provide supervision to and have authority over legislative employees on an ongoing basis as part of the employee's regular and usual job duties. Supervision includes the authority to direct employees, approve and deny leave, and effectively recommend decisions to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, or to adjust employee grievances, when the exercise of the authority is not of a merely routine nature but requires the exercise of individual judgment.

NEW SECTION. Sec. 2. A new section is added to chapter 44.90 RCW to read as follows:

(1) This chapter does not apply to any legislative employee who has managerial authority, is a confidential employee, or who does not meet the definition of employee for the purpose of collective bargaining.

(2) This chapter also does not apply to:

(a) Elected or appointed members of the legislature;

(b) Any person appointed to office under statute, ordinance, or resolution for a specific term of office as a member of a multimember board, commission, or committee;

(c) Caucus chiefs of staff and caucus deputy chiefs of staff;

(d) The speaker's attorney, house counsel, and leadership counsel to the minority caucus of the house of representatives; and

(e) The counsel for the senate that provide direct legal advice to the administration of the senate.

Sec. 3. RCW 44.90.030 and 2022 c 283 s 2 are each amended to read as follows:

(1) The office of state legislative labor relations is created to assist the house of representatives, the senate, and legislative agencies in implementing and managing the process of collective bargaining for employees of the legislative branch of state government.

(2)(a) Subject to (b) of this subsection, the secretary of the senate and the chief clerk of the house of representatives shall employ a director of the office. The director serves at the pleasure of the secretary of the senate and the chief clerk of the house of representatives, who shall fix the director's salary.

(b) The secretary of the senate and the chief clerk of the house of representatives shall, before employing a director, consult with legislative employees, the senate facilities and operations committee, the house executive rules committee, and the human resources officers of the house of representatives, the senate, and legislative agencies.

(c) The director serves as the executive and administrative head of the office and may employ additional employees to assist in carrying out the duties of the office. The duties of the office include, but are not limited to, establishing bargaining teams and conducting negotiations on behalf of the employer.

((d) The director shall contract with an external consultant for the purposes of gathering input from legislative employees,

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

~~taking into consideration RCW 42.52.020 and rules of the house of representatives and the senate. The gathering of input must be in the form of, at a minimum, surveys.~~

~~(3) The director, in consultation with the secretary of the senate, the chief clerk of the house of representatives, and the administrative heads of legislative agencies shall:~~

~~(a) Examine issues related to collective bargaining for employees of the house of representatives, the senate, and legislative agencies; and~~

~~(b) After consultation with the external consultant, develop best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the house of representatives, the senate, and legislative agencies.~~

~~(4)(a) By December 1, 2022, the director shall submit a preliminary report to the appropriate committees of the legislature that provides a progress report on the director's considerations.~~

~~(b) By October 1, 2023, the director shall submit a final report to the appropriate committees of the legislature. At a minimum, the final report must address considerations on the following issues:~~

~~(i) Which employees of the house of representatives, the senate, and legislative agencies for whom collective bargaining may be appropriate;~~

~~(ii) Mandatory, permissive, and prohibited subjects of bargaining;~~

~~(iii) Who would negotiate on behalf of the house of representatives, the senate, and legislative agencies, and which entity or entities would be considered the employer for purposes of bargaining;~~

~~(iv) Definitions for relevant terms;~~

~~(v) Common public employee collective bargaining agreement frameworks related to grievance procedures and processes for disciplinary actions;~~

~~(vi) Procedures related to the commission certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, determining representation questions, and coalition bargaining;~~

~~(vii) The efficiency and feasibility of coalition bargaining;~~

~~(viii) Procedures for approving negotiated collective bargaining agreements;~~

~~(ix) Procedures for submitting requests for funding to the appropriate legislative committees if appropriations are necessary to implement provisions of the collective bargaining agreements; and~~

~~(x) Approaches taken by other state legislatures that have authorized collective bargaining for legislative employees.~~

~~(5) The report must include a summary of any statutory changes needed to address the considerations listed in subsection (4) of this section related to the collective bargaining process for legislative employees.)~~

**NEW SECTION. Sec. 4.** A new section is added to chapter 44.90 RCW to read as follows:

(1) As provided by this chapter, the commission or the court shall determine all questions described by this chapter as under the commission's authority. However, such authority may not result in an order or rule that intrudes upon or interferes with the legislature's core function of efficient and effective law making or the essential operation of the legislature, including that an order or rule may not:

(a) Require the legislature to reinstate an employee;

(b) Modify any matter relating to the qualifications and elections of members of the legislature, or the holding of office of members of the legislature;

(c) Modify any matter relating to the legislature or each house

thereof choosing its officers, adopting rules for its proceedings, selecting committees necessary for the conduct of business, considering or enacting legislation, or otherwise exercising the legislative power of this state;

(d) Modify any matter relating to legislative calendars, schedules, and deadlines of the legislature; or

(e) Modify laws, rules, policies, or procedures regarding ethics or conflicts of interest.

(2) No member of the legislature may be compelled by subpoena or other means to attend a proceeding related to matters covered by this chapter during a legislative session, committee assembly days, or for 15 days before commencement of each session.

**Sec. 5.** RCW 44.90.050 and 2022 c 283 s 5 are each amended to read as follows:

(1) Except as may be specifically limited by this chapter, legislative employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Legislative employees shall also have the right to refrain from any or all such activities.

(2) Except as may be specifically limited by this chapter, the commission shall determine all questions pertaining to ascertaining exclusive bargaining representatives for legislative employees and collectively bargaining under this chapter. However, no employee organization shall be recognized or certified as the exclusive bargaining representative of a bargaining unit of employees of the legislative branch unless it receives the votes of a majority of employees in the petitioned for bargaining unit voting in a secret election (~~by mail ballot~~) administered by the commission. The commission's process must allow for an employee, group of employees, employee organizations, employer, or their agents to have the right to petition on any question concerning representation.

(3) ~~((The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.))~~  
The commission must adopt rules that provide for at least the following:

(a) Secret balloting;

(b) Consulting with employee organizations;

(c) Access to lists of employees, job titles, work locations, and home mailing addresses;

(d) Absentee voting;

(e) Procedures for the greatest possible participation in voting;

(f) Campaigning on the employer's property during working hours; and

(g) Election observers.

(4)(a) If an employee organization has been certified as the exclusive bargaining representative of the employees of multiple bargaining units, the employee organization may act for and negotiate a master collective bargaining agreement that includes within the coverage of the agreement all covered employees in the bargaining units.

(b) If a master collective bargaining agreement is in effect for the newly certified exclusive bargaining representative, it applies to the bargaining unit for which the new certification has been issued. Nothing in this subsection (4)(b) requires the parties to engage in new negotiations during the term of that agreement.

(5) The certified exclusive bargaining representative is responsible for representing the interests of all the employees in

the bargaining unit. This section may not be construed to limit an exclusive bargaining representative's right to exercise its discretion to refuse to process grievances of employees that are unmeritorious.

(6) No question concerning representation may be raised if:

(a) Fewer than 12 months have elapsed since the last certification or election; or

(b) A valid collective bargaining agreement exists covering the unit, except for that period of no more than 120 calendar days nor less than 90 calendar days before the expiration of the contract.

NEW SECTION. Sec. 6. A new section is added to chapter 44.90 RCW to read as follows:

(1) The commission, after hearing upon reasonable notice to all interested parties, shall decide, in each application for certification as an exclusive bargaining representative, the unit appropriate for certification. In determining the new units or modifications of existing units, the commission must consider: The duties, skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; the desires of the employees; and the avoidance of excessive fragmentation. However, a unit is not appropriate if it includes:

(a) Both supervisors and nonsupervisory employees. A unit that includes only supervisors may be considered appropriate if a majority of the supervisory employees indicates by vote that they desire to be included in such a unit; or

(b) Both house of representatives and senate employees.

(2) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit.

NEW SECTION. Sec. 7. A new section is added to chapter 44.90 RCW to read as follows:

(1) The parties to a collective bargaining agreement must reduce the agreement to writing and both execute it.

(2) Except as provided in this chapter, a collective bargaining agreement must contain provisions that provide for a grievance procedure of all disputes arising over the interpretation or application of the collective bargaining agreement and that is valid and enforceable under its terms when entered into in accordance with this chapter.

(3) RCW 41.56.037 applies to this chapter.

(4)(a) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same bargaining units, the effective date of the collective bargaining agreement may be the day after the termination of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date.

(b) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and the exclusive bargaining representative representing different bargaining units, the effective date of the collective bargaining agreement may be the day after the termination date of whichever previous collective bargaining agreement covering one or more of the units terminated first, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date.

(5) The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.

**Sec. 8.** RCW 44.90.060 and 2022 c 283 s 6 are each amended to read as follows:

~~(During a legislative session or committee assembly days, nothing))~~ Nothing contained in this chapter permits or grants to any legislative employee the right to strike, participate in a work stoppage, or refuse to perform their official duties.

**Sec. 9.** RCW 44.90.070 and 2022 c 283 s 7 are each amended to read as follows:

(1) Collective bargaining negotiations under this chapter must commence no later than July 1st of each even-numbered year after a bargaining unit has been certified.

(2) The duration of any collective bargaining agreement shall not exceed one fiscal biennium.

(3)(a) The director must submit ratified collective bargaining agreements, with cost estimates, to the employer by October 1st before the legislative session at which the request for funds are to be considered. The transmission by the legislature to the governor under RCW 43.88.090 must include a request for funds necessary to implement the provisions of all collective bargaining agreements covering legislative employees.

(b) If the legislature or governor fail to provide the funds for a collective bargaining agreement for legislative employees, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in section 10 of this act.

(4) Negotiation for economic terms will be by a coalition of all exclusive bargaining representatives. Any such provisions agreed to by the employer and the coalition must be included in all collective bargaining agreements negotiated by the parties. The director and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of bargaining unit specific issues for inclusion in the collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(5) If a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties must immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

NEW SECTION. Sec. 10. A new section is added to chapter 44.90 RCW to read as follows:

(1) Should the parties fail to reach agreement in negotiating a collective bargaining agreement, either party may request of the commission the assistance of an impartial third party to mediate the negotiations. If a collective bargaining agreement previously negotiated under this chapter expires while negotiations are underway, the terms and conditions specified in the collective bargaining agreement remain in effect for a period not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(2) Nothing in this section may be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu

THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

of the commission.

(3) The commission shall bear costs for mediator services.

**Sec. 11.** RCW 44.90.080 and 2022 c 283 s 8 are each amended to read as follows:

(1) It is an unfair labor practice for an employer in the legislative branch of state government:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the exclusive bargaining representatives of its employees.

(2) Notwithstanding any other law, the expression of any views, arguments, or opinions, or the dissemination thereof in any form, by a member of the legislature related to this chapter or matters within the scope of representation, shall not constitute, or be evidence of, an unfair labor practice unless the employer has authorized the member to express that view, argument, or opinion on behalf of the employer or as an employer.

(3) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

~~((3))~~ (4) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

**NEW SECTION. Sec. 12.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. However, a complaint may not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission or in Thurston county superior court. This power may not be affected or impaired by any means of adjustment, mediation, or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Except as may be specifically limited by this chapter, if the commission or court determines that any person has engaged in or is engaging in an unfair labor practice, the commission or court shall issue and cause to be served upon the person an order requiring the person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the

purposes and policy of this chapter, such as the payment of damages.

(3) The commission may petition the Thurston county superior court for the enforcement of its order and for appropriate temporary relief.

**Sec. 13.** RCW 44.90.090 and 2022 c 283 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, terms, and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include, but not be limited to, the following:

(a) Any item listed in section 4(1) of this act;

(b) The functions and programs of the employer, the use of technology, and the structure of the organization, including the size and composition of standing committees;

~~((b))~~ (c) The employer's budget and the size of the employer's workforce, including determining the financial basis for layoffs;

~~((c))~~ (d) The right to direct and supervise employees;

~~((d))~~ (e) The hours of work during legislative session ~~((and the))~~. However, this subsection (2)(e) does not prohibit bargaining over compensation for hours worked in excess of 40 hours in a workweek in agreements that take effect after July 1, 2027;

(f) The cutoff calendar for a legislative session; ~~((and~~

~~((e))~~ (g) The employer's right to hire, terminate, and promote employees. Subject to any collective bargaining agreement, legislative employees hold their positions at the employer's pleasure;

(h) Health care benefits and other employee insurance benefits. The amount paid by a legislative employee for health care premiums must be the same as that paid by a represented state employee covered by RCW 41.80.020(3);

(i) The right to take whatever actions are deemed necessary to carry out the mission of the legislature and its agencies during emergencies; and

(j) Retirement plans and retirement benefits.

~~((2))~~ (3) Except for an applicable code of conduct policy adopted by a chamber of the legislature or a legislative agency, if a conflict exists between policies adopted by the legislature relating to wages, hours, and terms and conditions of employment and a provision of a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with a statute or an applicable term of a code of conduct policy adopted by a chamber of the legislature or a legislative agency is invalid and unenforceable.

**NEW SECTION. Sec. 14.** A new section is added to chapter 44.90 RCW to read as follows:

(1) Upon authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the exclusive bargaining representative. If the employer receives a request for authorization of deductions, the employer must, as soon as practicable, forward the request to the exclusive

bargaining representative.

(b) Upon receiving notice of the employee's authorization, the employer must deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(d) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the exclusive bargaining representative in accordance with the terms and conditions of the authorization.

(e) After the employer receives confirmation from the exclusive bargaining representative that the employee has revoked authorization for deductions, the employer must end the deduction no later than the second payroll after receipt of the confirmation.

(f) The employer must rely on information provided by the exclusive bargaining representative regarding the authorization and revocation of deductions.

**NEW SECTION. Sec. 15.** A new section is added to chapter 44.90 RCW to read as follows:

(1) If the parties to a collective bargaining agreement negotiated under this chapter agree to final and binding arbitration under grievance procedures allowed by section 7 of this act, the parties may agree on one or more permanent umpires to serve as arbitrator, or may agree on any impartial person to serve as arbitrator, or may agree to select arbitrators from any source available to them, including federal and private agencies, in addition to the staff and list of arbitrators maintained by the commission. If the parties cannot agree to the selection of an arbitrator, the commission must supply a list of names in accordance with the procedures established by the commission.

(2) The authority of an arbitrator shall be subject to the limits and restrictions specified under section 4 of this act.

(3) Except as limited by this chapter, an arbitrator may require any person to attend as a witness and to bring with them any book, record, document, or other evidence. The fees for such attendance must be paid by the party requesting issuance of the subpoena and must be the same as the fees of witnesses in the superior court. Arbitrators may administer oaths. Subpoenas must issue and be signed by the arbitrator and must be served in the same manner as subpoenas to testify before a court of record in this state. If any person so summoned to testify refuses or neglects to obey such subpoena, upon petition authorized by the arbitrator, the superior court may compel the attendance of the person before the arbitrator or punish the person for contempt in the same manner provided for the attendance of witnesses or the punishment of them in the courts of this state.

(4) Except as limited by this chapter, the arbitrator shall appoint a time and place for the hearing and notify the parties thereof, and may adjourn the hearing from time to time as may be necessary, and, on application of either party and for good cause, may postpone the hearing to a time not extending beyond the date fixed by the collective bargaining agreement for making the award. The arbitration award must be in writing and signed by the arbitrator. The arbitrator must, promptly upon its rendition, serve a true copy of the award on each of the parties or their attorneys of record.

(5) If a party to a collective bargaining agreement negotiated under this chapter that includes final and binding arbitration refuses to submit a grievance for arbitration, the other party to the collective bargaining agreement may invoke the jurisdiction of the superior court of Thurston county and the court shall have jurisdiction to issue an order compelling arbitration. Disputes concerning compliance with grievance procedures shall be reserved for determination by the arbitrator. Arbitration shall be

ordered if the grievance states a claim that on its face is covered by the collective bargaining agreement. Doubts as to the coverage of the arbitration clause shall be resolved in favor of arbitration.

(6) If a party to a collective bargaining agreement negotiated under this chapter that includes final and binding arbitration refuses to comply with the award of an arbitrator determining a grievance arising under the collective bargaining agreement, the other party to the collective bargaining agreement may invoke the jurisdiction of the superior court of Thurston county and the court shall have jurisdiction to issue an order enforcing the arbitration award.

**NEW SECTION. Sec. 16.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The following activities conducted by or on behalf of legislative employees related to collective bargaining under this chapter are exempt from the restrictions contained in RCW 42.52.020 and 42.52.160:

(a) Use of paid time and public resources for negotiating and administering collective bargaining agreements under this chapter;

(b) Lobbying conducted by an employee organization, lobbyist, association, or third party on behalf of legislative employees concerning legislation that directly impacts legislative workplace conditions;

(c) Communication with a prospective employee organization during nonwork hours and without the use of public resources; or

(d) Conducting the day-to-day work of organizing and representing legislative employees in the workplace while serving in a legislative employee organization leadership position.

(2)(a) Nothing in this section affects the application of the prohibition against the use of special privileges under RCW 42.52.070, confidentiality requirements under RCW 42.52.050, or other applicable provisions of chapter 42.52 RCW to legislative employees.

(b) Nothing in this section permits any direct lobbying by a legislative employee.

(3) As used in this section, "lobby" and "lobbyist" have the meanings provided in RCW 42.17A.005.

**Sec. 17.** RCW 42.52.020 and 1996 c 213 s 2 are each amended to read as follows:

(1) No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

(2) This section does not apply to activities conducted by legislative employees authorized under section 16 of this act.

**Sec. 18.** RCW 42.52.160 and 2023 c 91 s 3 are each amended to read as follows:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties. It is not a violation of this section for a legislator or an appropriate legislative staff designee to engage in activities listed under RCW 42.52.070(2) or 42.52.822.

(3) This section does not prohibit de minimis use of state facilities to provide employees with information about (a) medical, surgical, and hospital care; (b) life insurance or accident and health disability insurance; or (c) individual retirement accounts, by any person, firm, or corporation administering such program as part of authorized payroll deductions pursuant to RCW 41.04.020.

(4) The appropriate ethics boards may adopt rules providing



THIRTY THIRD DAY, FEBRUARY 9, 2024

2024 REGULAR SESSION

exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

(5) This section does not apply to activities conducted by legislative employees authorized under section 16 of this act.

**NEW SECTION. Sec. 19.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2024."

On page 1, line 2 of the title, after "bargaining;" strike the remainder of the title and insert "amending RCW 44.90.020, 44.90.030, 44.90.050, 44.90.060, 44.90.070, 44.90.080, 44.90.090, 42.52.020, and 42.52.160; adding new sections to chapter 44.90 RCW; providing an effective date; and declaring an emergency."

#### MOTION

Senator Stanford moved that the following amendment no. 635 by Senator Stanford be adopted:

On page 13, beginning on line 27, after "employees," strike all material through "legislative" on line 28 and insert "Legislative"

Senators Stanford and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 635 by Senator Stanford on page 13, line 27 to the striking amendment.

The motion by Senator Stanford carried and amendment no. 635 was adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser and without objection, amendment no. 636 by Senator Keiser on page 13, line 28 to striking amendment no. 631 was withdrawn.

#### MOTION

Senator Keiser moved that the following amendment no. 638 by Senator Keiser be adopted:

On page 13, line 29, after "pleasure" insert "Provisions of this subsection (g) regarding legislative employees holding their positions at the employer's pleasure only applies to employees employed by a caucus or employed as legislative assistants or session aides"

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

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

The President declared the question before the Senate to be the adoption of amendment no. 638 by Senator Keiser on page 13, line 29 to the striking amendment.

The motion by Senator Keiser did not carry and amendment no. 638 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 631 by Senator Stanford as amended to Second Substitute Senate Bill No. 6194.

The motion by Senator Stanford carried and striking amendment no. 631 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and King spoke in favor of passage of the bill.

Senators Hasegawa and Conway 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. 6194.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6194 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Holy, Keiser, King, Kuderer, Liiias, Lovick, Mullet, Pedersen, Rivers, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, J.

Voting nay: Senators Boehnke, Dozier, Fortunato, Gildon, Hawkins, Hunt, Kauffman, Lovelett, MacEwen, McCune, Muzzall, Nguyen, Nobles, Padden, Randall, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, C. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194, 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. 5943, by Senators Gildon, Boehnke, Hasegawa, and C. Wilson

Developing a resource data tool to connect Washington residents to services and resources.

#### MOTIONS

On motion of Senator Gildon, Second Substitute Senate Bill No. 5943 was substituted for Senate Bill No. 5943 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5943, by Committee on Ways & Means (originally sponsored by Senators Gildon, Boehnke, Hasegawa, and C. Wilson)

Revised for second substitute: Conducting a feasibility study regarding a resource data tool to connect Washington residents to services and resources.

On motion of Senator Gildon, the rules were suspended, Second Substitute Senate Bill No. 5943 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Gildon and Wilson, C. 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. 5943.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5943 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Lovelett and Salomon

SECOND SUBSTITUTE SENATE BILL NO. 5943, 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. 5857, by Senators Hunt and Nobles

Reorganizing statutes on campaign disclosure and contribution.

#### MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5857 was substituted for Senate Bill No. 5857 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5857, by Senate Committee on State Government & Elections (originally sponsored by Hunt, and Nobles)

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5857 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. 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. 5857.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5857 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, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers,

Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5857, 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. 5799, by Senators Wilson, C., Trudeau, Dhingra, Hasegawa, Liias, Nobles, Salomon, Shewmake, Van De Wege, and Wellman

Concerning the sale of halal foods.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Muzzall, Trudeau and Salomon spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Wagoner, Senator Hawkins was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5799.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5799 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, Hansen, Hasegawa, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Hawkins

SENATE BILL NO. 5799, 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 5:22 p.m., on motion of Senator Pedersen, the Senate adjourned until 10 o'clock a.m. Monday, February 12, 2024.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

1248-SE		Messages .....	2
Messages .....	1		
1371-SE2		Messages .....	1
1391-S2		Messages .....	1
1510-SE		Introduction & 1st Reading.....	2
1692-S2E		Messages .....	2
1752		Messages .....	1
1892-S		Messages .....	1
1905-S		Messages .....	1
1915-S		Messages .....	1
1932-SE		Messages .....	2
1946		Messages .....	2
1947-S		Messages .....	1
1948		Messages .....	1
1949		Introduction & 1st Reading.....	2
1957-SE		Messages .....	2
1958		Introduction & 1st Reading.....	2
1963		Messages .....	2
1967		Messages .....	1
1975		Messages .....	2
1976		Introduction & 1st Reading.....	2
1982		Messages .....	2
1983		Messages .....	2
1998-SE		Introduction & 1st Reading.....	2
1999-S		Messages .....	2
		2004	
		Introduction & 1st Reading.....	2
		2031	
		Messages .....	2
		2045-S	
		Introduction & 1st Reading.....	2
		2056-S	
		Messages .....	2
		2059	
		Introduction & 1st Reading.....	3
		2061-S	
		Messages .....	2
		2072-S	
		Messages .....	1
		2074	
		Introduction & 1st Reading.....	3
		2075-S	
		Messages .....	1
		2086-S	
		Introduction & 1st Reading.....	3
		2088-E	
		Messages .....	1
		2091-S	
		Messages .....	2
		2097-S	
		Introduction & 1st Reading.....	3
		2102-S	
		Messages .....	2
		2110	
		Messages .....	1
		2112-S2	
		Messages .....	2
		2120	
		Introduction & 1st Reading.....	3
		2135	
		Messages .....	1
		2137	
		Messages .....	2
		2156-S	
		Messages .....	2
		2164-E	
		Messages .....	2
		2191-SE	
		Messages .....	2
		2216-S	
		Messages .....	2

2224-S		Second Reading .....	17
Messages .....	1	Third Reading Final Passage .....	17
2226-S		5799	
Introduction & 1st Reading .....	3	Second Reading .....	34
2302		Third Reading Final Passage .....	34
Messages .....	2	5816	
2318		Second Reading .....	15
Messages .....	2	5816-E	
2321-SE		Third Reading Final Passage .....	15
Messages .....	2	5853	
2335-S		Second Reading .....	5
Introduction & 1st Reading .....	3	5853-S2	
2347-S		Second Reading .....	5
Messages .....	2	5853-S2E	
2356-SE		Third Reading Final Passage .....	6
Messages .....	2	5857	
2371		Second Reading .....	34
Introduction & 1st Reading .....	3	5857-S	
2372-E		Second Reading .....	34
Messages .....	2	Third Reading Final Passage .....	34
2381-S		5860	
Messages .....	1	Second Reading .....	19
2396-S		Third Reading Final Passage .....	19
Messages .....	2	5869	
2415		Second Reading .....	18
Messages .....	1	5869-S	
2428-S		Second Reading .....	18
Messages .....	1	Third Reading Final Passage .....	18
5160		5891	
Second Reading .....	17	Second Reading .....	16
Third Reading Final Passage .....	17	5891-S	
5444		Other Action.....	16
Second Reading .....	15	Second Reading .....	16
5444-S2		5891-SE	
Other Action.....	16	Third Reading Final Passage .....	16
Second Reading .....	15, 16	5904	
Third Reading Final Passage .....	16	Second Reading .....	20
5722		Third Reading Final Passage .....	20
Second Reading .....	18	5938	
5722-S		Second Reading .....	14
Second Reading .....	18	Third Reading Final Passage .....	14
Third Reading Final Passage .....	18	5943	
5780		Second Reading .....	33
Second Reading .....	13	5943-S2	
5780-S2		Second Reading .....	33
Second Reading .....	13	Third Reading Final Passage .....	33
Third Reading Final Passage .....	13	5952	
5789		Second Reading .....	25

Third Reading Final Passage ..... 25  
 5997  
 Second Reading ..... 25  
 5997-E  
 Third Reading Final Passage ..... 25  
 6036  
 Second Reading ..... 5  
 6036-S  
 Second Reading ..... 5  
 Third Reading Final Passage ..... 5  
 6038  
 Second Reading ..... 26  
 6038-S  
 Second Reading ..... 26, 27  
 6038-SE  
 Third Reading Final Passage ..... 27  
 6095  
 Other Action..... 14  
 Second Reading ..... 14  
 Third Reading Final Passage ..... 14  
 6109  
 Second Reading ..... 18  
 6109-S2  
 Second Reading ..... 18, 19  
 6109-S2E  
 Third Reading Final Passage ..... 19  
 6173  
 Second Reading ..... 25  
 Third Reading Final Passage ..... 25  
 6175  
 Second Reading ..... 20  
 6175-S2  
 Second Reading ..... 20  
 6175-S2E  
 Third Reading Final Passage ..... 24  
 6194  
 Second Reading ..... 27  
 6194-S2  
 Other Action..... 33

Second Reading ..... 27, 33  
 6194-S2E  
 Third Reading Final Passage ..... 33  
 6228  
 Second Reading ..... 15  
 6228-S2  
 Second Reading ..... 15  
 Third Reading Final Passage ..... 15  
 6251  
 Second Reading ..... 6  
 6251-S2  
 Second Reading ..... 6  
 6251-S2E  
 Third Reading Final Passage ..... 13  
 6277-S  
 Second Reading ..... 17  
 Third Reading Final Passage ..... 17  
 8655  
 Adopted..... 4  
 Introduced ..... 3  
 9357 Shirk, Drew  
 Confirmed ..... 4  
 9380 Delos Reyes, Raymond  
 Confirmed ..... 4  
 9404 Moss Rich, Heather  
 Confirmed ..... 4  
 9413 Merriman, Scott  
 Confirmed ..... 5  
 CHAPLAIN OF THE DAY  
 Spencer, Pastor Jeffery, Oak Harbor Lutheran  
 Church..... 1  
 FLAG BEARERS  
 Hainstock, Mr. Denver..... 1  
 Simmons, Miss Bridget..... 1  
 GUESTS  
 Jensen, Miss Kameryn, Pledge of Allegiance1  
 MESSAGE FROM OTHER STATE  
 OFFICERS  
 Reports to the Legislature ..... 1