

FORTY SEVENTH DAY, FEBRUARY 23, 2024

2024 REGULAR SESSION

FORTY SEVENTH DAY**MORNING SESSION**Senate Chamber, Olympia
Friday, February 23, 2024

The Senate was called to order at 9:01 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Aanchal Batwara and Mr. Bradley Chen, presented the Colors.

Page Mr. Jack Rust led the Senate in the Pledge of Allegiance. Mr. Rust is the nephew of Deputy Secretary Colleen Pehar.

The prayer was offered by Reverend Elizabeth Riley of Rector of Emmanuel Episcopal Church, Mercer Island.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

February 22, 2024

SB 6316 Prime Sponsor, Senator Pedersen: Concerning the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Fortunato; Hansen; Hawkins; Lovelett; Padden; Wilson, C. and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kauffman; MacEwen; Nobles and Valdez.

Referred to Committee on Ways & Means.

February 22, 2024

ESHB 1493 Prime Sponsor, Committee on Community Safety, Justice, & Reentry: Concerning impaired driving. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Fortunato; Hansen; Hawkins; Kauffman; Lovelett; MacEwen; Nobles; Padden; Valdez; Wilson, C. and Wilson, J.

Referred to Committee on Ways & Means.

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HB 1963 Prime Sponsor, Representative Ramos: Prohibiting license plate covers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Hansen; Hawkins; Kauffman; Lovelett; Nobles; Valdez; Wilson, C. and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato; MacEwen and Padden.

Referred to Committee on Rules for second reading.

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SHB 1989 Prime Sponsor, Committee on Transportation: Concerning a graffiti abatement and reduction pilot program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Fortunato; Hansen; Hawkins; Kauffman; MacEwen; Nobles; Padden; Wilson, C. and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senator Valdez.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Lovelett.

Referred to Committee on Rules for second reading.

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E2SHB 2099 Prime Sponsor, Committee on Appropriations: Concerning state identification cards for persons in state custody or care. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Fortunato; Hansen; Hawkins; Kauffman; Lovelett; MacEwen; Nobles; Padden; Valdez; Wilson, C. and Wilson, J.

Referred to Committee on Ways & Means.

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HB 2318 Prime Sponsor, Representative Orcutt: Concerning state route number 501. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland; Fortunato; Hansen; Hawkins; Kauffman; Lovelett; MacEwen; Nobles; Padden; Valdez; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

MOTIONS

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

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

MESSAGES FROM THE HOUSE

February 22, 2024

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5508,
SENATE BILL NO. 5885,
SENATE BILL NO. 5886,

SUBSTITUTE SENATE BILL NO. 5935,
SENATE BILL NO. 5970,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5974,
SENATE BILL NO. 5982,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6007,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 22, 2024

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1913,

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

HB 1913 by Representatives Cortes, Ryu, Reed, Reeves, and Pollet

AN ACT Relating to expiring a tax preference; amending RCW 82.04.44525; and providing an expiration date.

Referred to Committee on Ways & Means.

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 Padden moved adoption of the following resolution:

SENATE RESOLUTION
8680

By Senators Padden, Lovick, King, Short, Boehnke, Wagoner, Dozier, Warnick, Braun, and Torres

WHEREAS, In Washington state we have no shortage of outstanding women leaders whose dedication and participation in our political process has brought us a brighter and more hopeful Washington; and

WHEREAS, Linda Smith was born in LaJunta, Colorado, in 1950 and moved with her family to White Salmon, Washington;

and

WHEREAS She graduated from Fort Vancouver High School; and

WHEREAS, She and her husband owned and managed a group of tax preparation offices in southern Washington; and

WHEREAS, She was elected to the Washington state House of Representatives in a special election in 1983; and

WHEREAS, Linda was elected to the Washington State Senate in 1987 giving her party the majority in the state senate where her work included sponsoring legislation promoting children, families, the elderly, and agriculture; and

WHEREAS, In 1992 and 1993 she was a successful proponent of Washington Initiative Measure No. 601 and Washington Initiative Measure No. 134; and

WHEREAS, I-601 successfully limited state expenditures by inflation rate and population growth for years and I-134 instituted regulations and accountability for political contributions and campaign expenditures; and

WHEREAS, She was sued over I-601 and she raised the money to defend it and won at the state Supreme Court; and

WHEREAS, She was known for getting things done because she would never bargain away principles when she got behind a cause; and

WHEREAS, She was elected to the United States Congress in the general election of 1994 after perhaps the first successful congressional primary write-in campaign in United States history; and

WHEREAS, She represented Washington's 3rd Congressional District where she served for two terms leading on issues like her "Clean Up Congress Act" to implement campaign finance reform, she led a bipartisan effort to defeat the historic influence tobacco had in Congress, she ended the practice of congressional leaders passing out special interest PAC checks on the floor of Congress, pushing for a balanced budget amendment, bringing reason to the Endangered Species Act, she chaired the Small Business committee on small business taxation, relentlessly worked to lower taxes, worked to reduce regulations on small business owners, and was a leader on international human rights; and

WHEREAS, After serving in Congress, Linda started Shared Hope International, an organization that seeks to prevent child sex trafficking, restore worth and dignity to those caught in the child sex trade, and bring justice to victims and education and prevention tools to the public; and

WHEREAS, In 2001 she formed the War Against Trafficking Alliance, an organization to coordinate regional and international efforts to fight sex trafficking; and

WHEREAS, Linda is a published author on the scourge of sex trafficking; and

WHEREAS, Linda has been a tireless advocate for those with no voice, seeking prevention, justice, and restoration for families and communities affected by sex trafficking;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Linda Smith's contributions in state and federal government for advocating for children and families, and her contributions to uplift and restore individuals and families caught in the vicious cycle of sex trafficking.

Senators Padden, Torres, Fortunato and McCune spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

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

INTRODUCTION OF SPECIAL GUESTS

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The President Pro Tempore introduced guests of Senator Padden: Ms. Yvonne Hubbell, Dr. Christine Harmon, Mr. Bill Dunning and Mr. Ed Parke who were seated in the gallery.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Billig moved that Marty J. Dickinson, Senate Gubernatorial Appointment No. 9402, be confirmed as a member of the Washington State University Board of Regents.

Senator Billig spoke in favor of the motion.

MOTIONS

On motion of Senator Wagoner, Senator MacEwen was excused.

On motion of Senator Nobles, Senator Randall was excused.

APPOINTMENT OF MARTY J. DICKINSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Marty J. Dickinson, Senate Gubernatorial Appointment No. 9402, as a member of the Washington State University Board of Regents.

The Secretary called the roll on the confirmation of Marty J. Dickinson, Senate Gubernatorial Appointment No. 9402, as a member of the Washington State University Board of Regents and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; 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, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Lovelett

Marty J. Dickinson, Senate Gubernatorial Appointment No. 9402, having received the constitutional majority was declared confirmed as a member of the Washington State University Board of Regents.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced former Representative Linda Smith who was in the Senate wings.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Billig moved that Luc Jasmin, Senate Gubernatorial Appointment No. 9364, be confirmed as a member of the Human Rights Commission.

Senator Billig spoke in favor of the motion.

MOTIONS

On motion of Senator Wagoner, Senator Fortunato was excused.

On motion of Senator Nobles, Senator Nobles was excused.

APPOINTMENT OF LUC JASMIN

The President declared the question before the Senate to be the confirmation of Luc Jasmin, Senate Gubernatorial Appointment No. 9364, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Luc Jasmin, Senate Gubernatorial Appointment No. 9364, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, 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, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato and Lovelett

Luc Jasmin, Senate Gubernatorial Appointment No. 9364, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

MOTION

At 9:32 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 10:47 a.m. by President Heck.

SECOND READING

SENATE BILL NO. 5950, by Senators Robinson, Nobles, and Trudeau

Making 2023-2025 fiscal biennium supplemental operating appropriations.

MOTIONS

On motion of Senator Robinson, Substitute Senate Bill No. 5950 was substituted for Senate Bill No. 5950 and the substitute bill was placed on the second reading and read the second time.

Senator Robinson moved that the following floor amendment no. 727 by Senator Robinson be adopted:

On page 5, beginning on line 1, after "shall" strike all material through "biennium" on line 7 and insert "report its findings and recommendations to the governor and the appropriate committees"

of the legislature by June 30, 2026"

Correct any internal references accordingly.

Senator Robinson spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 727 by Senator Robinson on page 5, line 1 to Substitute Senate Bill No. 5950.

The motion by Senator Robinson carried and floor amendment no. 727 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 718 by Senator Fortunato be adopted:

On page 8, line 4, increase the General Fund—State Appropriation (FY 2025) by \$150,000

Adjust the total appropriation accordingly.

On page 17, after line 26, insert the following:

"(32) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the administrative office of the courts to study the judicial impacts of requiring, in every marriage dissolution case, separate judges to determine parenting plans and the distribution of property and liabilities. At a minimum, the study must include impacts on facility, personnel, procedural, and training costs. The administrative office of the courts must submit a final report to the appropriate committees of the legislature by June 30, 2025."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Robinson spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 718 by Senator Fortunato on page 8, line 4 to Substitute Senate Bill No. 5950.

The motion by Senator Fortunato did not carry and floor amendment no. 718 was not adopted by voice vote.

MOTION

Senator Kuderer moved that the following floor amendment no. 725 by Senators Conway and Kauffman be adopted:

On page 21, beginning on line 23, after "59.18.640." strike all material through "counsel." on line 25

Senator Kuderer spoke in favor of adoption of the amendment.

Senator Gildon spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 725 by Senators Conway and Kauffman on page 21, line 23 to Substitute Senate Bill No. 5950.

The motion by Senator Kuderer carried and floor amendment no. 725 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 732 by Senator Rivers be adopted:

On page 56, line 31, increase the General Fund—State Appropriation (FY 2024) by \$300,000

Adjust the total appropriation accordingly.

On page 62, line 28, after "(19)" strike "\$958,000" and insert "~~(\$958,000)~~ \$1,258,000"

Senator Rivers spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 732 by Senator Rivers on page 56, line 31 to Substitute Senate Bill No. 5950 was withdrawn.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 715 by Senator Wilson, J. be adopted:

On page 56, line 33, decrease the General Fund—State Appropriation (FY 2025) by \$1,500,000

Adjust the total appropriation accordingly.

On page 69, line 22, after "stays." insert "Of the amount provided in this subsection for fiscal year 2025, \$1,500,000 must be granted to a housing readiness program serving individuals experiencing homelessness in the city of Longview. Funding may be used to operate severe weather shelters, housing navigation, case management, laundry and hygiene facilities, connection to other social services, and other programs serving unhoused individuals in Cowlitz county."

On page 90, beginning on line 27, strike all of subsection (95)

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

On page 528, line 7, increase the General Fund—State Appropriation (FY 2025) by \$1,500,000

Adjust the total appropriation accordingly.

On page 541, after line 31, insert the following:

"(59) \$1,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to remove sea lions under the marine mammal protection act section 120(f) permit in tributaries of the Columbia river where federally listed salmon spawn and in the mainstem above river mile 112. The department must coordinate with treaty tribes and adjacent state fish and wildlife agencies on the implementation of the federal permit to remove sea lions. The department must also engage in avian predation forums in the Columbia river basin to reduce avian predation on salmon smolts where predation is documented to hinder salmon recovery."

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

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 715 by Senator Wilson, J. on page 56, line 33 to Substitute Senate Bill No. 5950.

The motion by Senator Wilson, J. carried and floor amendment no. 715 was adopted by voice vote.

MOTION

Senator Conway moved that the following floor amendment no. 726 by Senators Conway, Frame, Kuderer and Trudeau be adopted:

On page 56, line 33, increase the General Fund—State Appropriation (FY 2025) by \$250,000

Adjust the total appropriation accordingly.

On page 94, after line 17, insert the following:

"(113) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to evaluate alternative methods for calculating average median household income. The department must include in its evaluation the

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feasibility of using median household income data by state legislative district as published by the United States census bureau. The department must submit a report of recommendations to the appropriate committees of the legislature by June 30, 2025."

Senator Conway spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 726 by Senators Conway, Frame, Kuderer and Trudeau on page 56, line 33 to Substitute Senate Bill No. 5950.

The motion by Senator Conway carried and floor amendment no. 726 was adopted by voice vote.

MOTION

Senator Hunt moved that the following floor amendment no. 729 by Senator Hunt be adopted:

On page 173, line 18, decrease the General Fund—State Appropriation (FY 2024) by \$83,000

On page 173, line 20, decrease the General Fund—State Appropriation (FY 2025) by \$85,000

Adjust the total appropriation accordingly.

On page 176, at the beginning of line 1, strike all material through "\$247,000" on line 2 and insert "~~((10))~~ (9) \$162,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000"

On page 176, beginning on line 8, after "state" strike "~~((government buildings))~~ facilities" and insert "government buildings"

On page 766, after line 7, insert the following:

"**NEW SECTION. Sec. 729.** A new section is added to 2023 c 475 (unmodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—BUSINESS ENTERPRISES REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2024) \$83,000

General Fund—State Appropriation (FY 2025) \$85,000

TOTAL APPROPRIATION..... \$168,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the business enterprises revolving account created in RCW 74.18.230. Funds in this section are provided solely for rent fees and charges for blind business enterprise program licensees at state off-campus facilities."

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

Senator Hunt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 729 by Senator Hunt on page 173, line 18 to Substitute Senate Bill No. 5950.

The motion by Senator Hunt carried and floor amendment no. 729 was adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 719 by Senator Gildon be adopted:

On page 259, line 12, after "(10)" insert "(a)"

On page 259, beginning on line 13, after "2025" strike all material through "lapse" on line 16 and insert "is provided solely for the department to conduct a feasibility study regarding a resource data tool for the purpose of digitally connecting members of the public to state services in consultation with the

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advisory group created in (b) of this subsection. The feasibility study shall include recommendations for a mobile application and considerations for language access, alternative communication options, and equitable access for individuals living with disabilities. In making recommendations, the study shall include an examination of other available digital public resource.

(b) The department shall convene an advisory group for the purposes of participating in the decision-making process regarding the feasibility study directed in this subsection. The advisory group shall be composed of representatives from state agencies and the community in the area of system referral and resource navigation, and individuals with lived experience receiving public benefits. At a minimum, the department shall invite representatives from:

(i) Washington information network 211;

(ii) The state 911 coordination office established in the emergency management division of the state military department;

(iii) The department of health and the health care authority involved in the statewide 988 behavioral health crisis response and suicide prevention line;

(iv) WithinReach;

(v) Community living connections;

(vi) First five fundamentals;

(vii) Washington communities for children;

(viii) Washington resource data collaborative;

(ix) Help me grow; and

(x) Accountable communities of health.

(c) The advisory group shall inform and, upon a majority vote, approve the feasibility study. At a minimum, the feasibility study must include a plan and framework for launching the resource data tool, a web portal, and a mobile application. The department shall submit the approved study to the office of the governor and appropriate committees of the legislature by December 1, 2024."

Senators Gildon and Robinson spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 719 by Senator Gildon on page 259, line 12 to Substitute Senate Bill No. 5950.

The motion by Senator Gildon carried and floor amendment no. 719 was adopted by voice vote.

MOTION

Senator Saldaña moved that the following floor amendment no. 731 by Senator Saldaña be adopted:

On page 366, line 22, increase the General Fund—State Appropriation (FY 2025) by \$5,000,000

Adjust the total appropriation accordingly.

On page 373, after line 25, insert the following:

"(23) \$5,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the commission to support the law enforcement assisted diversion program for drug possession and public use in Seattle. These funds must not supplement, nor supplant, current levels of local funding in the city of Seattle budget."

Senator Saldaña spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Saldaña and without objection, floor amendment no. 731 by Senator Saldaña on page 366, line 22 to Engrossed Substitute Senate Bill No. 5950 was withdrawn.

MOTION

Senator Robinson moved that the following floor amendment no. 714 by Senator Robinson be adopted:

On page 393, line 28, increase the General Fund—Private/Local Appropriation by \$134,000
Adjust the total appropriation accordingly.

On page 429, after line 15, insert the following:

"(165) \$134,000 of the general fund—private/local appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5853 (behav crisis services/minors). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse."

Senator Robinson spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 714 by Senator Robinson on page 393, line 28 to Substitute Senate Bill No. 5950.

The motion by Senator Robinson carried and floor amendment no. 714 was adopted by voice vote.

MOTION

Senator Robinson moved that the following floor amendment no. 713 by Senator Robinson be adopted:

On page 428, at the beginning of line 32, strike "amounts" and insert "amount"

On page 428, beginning on line 32, after "subsection," strike "\$359,000 of the general fund—state appropriation for fiscal year 2024 and"

On page 428, line 34, after "2025" strike "are" and insert "is"

Senator Robinson spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 713 by Senator Robinson on page 428, line 32 to Substitute Senate Bill No. 5950.

The motion by Senator Robinson carried and floor amendment no. 713 was adopted by voice vote.

MOTION

Senator Wilson, C. moved that the following floor amendment no. 728 by Senator Wilson, C. be adopted:

On page 474, beginning on line 3, strike all of subsection (18) and insert the following:

"(18) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with a nonprofit entity doing statewide gender-responsive, race equity training and girls' advocacy programming in the juvenile rehabilitation system. The entity must provide:

(a) Girl-centered, antibias training for adults working with girls;

(b) Youth stipends for girls involved in advocacy programming; and

(c) Program facilitation for girls in the continuum of the juvenile rehabilitation system."

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

The President Pro Tempore declared the question before the

Senate to be the adoption of floor amendment no. 728 by Senator Wilson, C. on page 474, line 3 to Substitute Senate Bill No. 5950.

The motion by Senator Wilson, C. carried and floor amendment no. 728 was adopted by voice vote.

MOTION

Senator Dozier moved that the following floor amendment no. 717 by Senator Dozier be adopted:

On page 500, line 34, increase the Model Toxics Control Operating Account—Local Appropriation by \$501,000

Adjust the total appropriation accordingly.

On page 516, after line 17, insert the following:

"(67) \$501,000 of the model toxics control operating account—local appropriation is provided solely for cleanup costs at the Stillwater holdings Chevron site in Walla Walla."

Senators Dozier and Robinson spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 717 by Senator Dozier on page 500, line 34 to Substitute Senate Bill No. 5950.

The motion by Senator Dozier carried and floor amendment no. 717 was adopted by voice vote.

MOTION

Senator Saldaña moved that the following floor amendment no. 730 by Senator Saldaña be adopted:

On page 555, line 38, increase the General Fund—State Appropriation (FY 2025) by \$650,000

On page 556, line 10, decrease the Climate Commitment Account—State Appropriation by \$650,000

Adjust the total appropriation accordingly.

On page 563, beginning on line 37, after "of the" strike all material through "2025, and" on line 38 and insert "general fund—state appropriation for fiscal year 2025"

On page 564, beginning on line 3, after "of the" strike all material through "2025, and" on line 4 and insert "general fund—state appropriation for fiscal year 2025"

Senator Saldaña spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 730 by Senator Saldaña on page 555, line 38 to Substitute Senate Bill No. 5950.

The motion by Senator Saldaña carried and floor amendment no. 730 was adopted by voice vote.

MOTION

Senator Dozier moved that the following floor amendment no. 716 by Senator Dozier be adopted:

On page 569, at the beginning of line 25, strike "and"

On page 569, line 27, after "gallons" insert "and less than 10,000 gallons; and

(iv) \$4,500 to recipients with annual agricultural fuel use greater than or equal to 10,000 gallons"

Correct any internal references accordingly.

Senators Dozier and Nguyen spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 716 by Senator

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Dozier on page 569, line 25 to Substitute Senate Bill No. 5950.

The motion by Senator Dozier carried and floor amendment no. 716 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Muzzall and without objection, floor amendment no. 720 by Senator Muzzall on page 769, line 22 to Substitute Senate Bill No. 5950 was withdrawn.

MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Substitute Senate Bill No. 5950 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Robinson, Wilson, L., Hawkins, Nguyen, Gildon and Mullet spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5950.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5950 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; 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, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators McCune, Padden, Schoesler and Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5950, 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

HOUSE BILL NO. 1226, by Representatives Chapman, and Fitzgibbon

Providing for recreational licensing of smelt, crawfish, and carp.

The measure was read the second time.

MOTION

Senator Salomon moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that as Washington's growing population accesses limited natural resources, there is a need to increase compliance, and provide education, on appropriate gear, seasons, and species take limits.

(2) The legislature further finds that previously unregulated species are under increased recreational harvest. Recreational licensing is an appropriate mechanism to educate the public and preserve opportunity in the future.

(3) The legislature further finds that eulachon, also known as Pacific smelt and Columbia river smelt, are listed as a threatened species under the endangered species act and licensing requirements are needed to provide angler education and allow for better regulation and monitoring to prevent them from becoming endangered.

(4) The legislature also finds that licensing for carp will aid in enforcement of illegal fishing where people fishing for regulated species without a required license have claimed to be fishing for carp, thereby negatively affecting the fisheries of other regulated species.

(5) The legislature further finds that licensing for crawfish will provide the public with education that enables them to distinguish between native and invasive crawfish species, facilitating the removal of invasive crawfish.

Sec. 2. RCW 77.32.010 and 2019 c 290 s 3 are each amended to read as follows:

(1) Except as otherwise provided in this chapter or department rule, a recreational license issued by the director is required to hunt, fish, or take wildlife or seaweed. A ~~((recreational fishing or shellfish license is not required for carp, freshwater smelt, and crawfish, and a))~~ hunting license is not required for bullfrogs.

(2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or 79A.80.040 is required to park or operate a motor vehicle on a recreation site or lands, as defined in RCW 79A.80.010.

(3) The commission may, by rule, indicate that a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and that a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

(4) A recreational fishing license is not required to fish for carp in Moses Lake or Vancouver Lake."

On page 1, line 2 of the title, after "carp;" strike the remainder of the title and insert "amending RCW 77.32.010; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to House Bill No. 1226.

The motion by Senator Salomon carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, House Bill No. 1226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon, Wilson, J., Muzzall and Warnick spoke in favor of passage of the bill.

MOTION

On motion of Senator Wagoner, Senator Fortunato was excused.

The President Pro Tempore declared the question before the

Senate to be the final passage of House Bill No. 1226.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1226 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.

HOUSE BILL NO. 1226, 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

HOUSE BILL NO. 1455, by Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri, and Bateman

Eliminating child marriage.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 700 by Senator Padden be adopted:

On page 1, line 10, after "~~((seventeen))~~" strike "18 years is void ~~((except where~~" and insert "17 years is void except ~~((where~~"

On page 1, line 12, after "~~necessity~~)" insert "if a superior court judge determines there is clear, cogent, and convincing evidence of the following: (a) The marriage is voluntary; (b) there is no indicia of undue force, coercion, or distress; and (c) parental approval has been granted. If applicable, the judicial determination shall be made by the presiding judge of the family court"

On page 2, beginning on line 29, strike all of section 2

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

On page 3, line 8, after "over" insert "or the applicants have obtained a court order as specified under RCW 26.04.010"

On page 1, line 2 of the title, after "26.04.010" strike ", 26.04.130,"

Senator Padden spoke in favor of adoption of the amendment.
Senator Dhingra spoke against adoption of the amendment.

MOTION

On motion of Senator Wilson, C., Senator Nobles was excused.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 700 by Senator Padden on page 1, line 10 to House Bill No. 1455.

The motion by Senator Padden failed and floor amendment no. 700 was not adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, House Bill No. 1455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford, Wagoner and Trudeau spoke in favor of passage of the bill.

Senator Lovick assumed the chair.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1455.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1455 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, Hasegawa, Hawkins, 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 Holy

HOUSE BILL NO. 1455, 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 SUBSTITUTE HOUSE BILL NO. 2022, by House Committee on Appropriations (originally sponsored by Reed, Berry, Ryu, Ormsby, Reeves, and Santos)

Concerning construction crane safety.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 723 by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is significant opportunity to improve worker and public safety in tower crane assembly, disassembly, and reconfiguration. The Seattle tower crane incident on April 27, 2019, killing two members of the public, Sarah Pantip Wong and Alan Jay Justad, and two iron workers, Travis Daniel Corbet and Andrew W. Yoder, exposed weaknesses in construction safety efforts. Requirements for permitting, street closures, and penalties are created to ensure that assembly, disassembly, and reconfiguration of tower cranes proceed safely.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

Sections 3 through 10 of this act apply to construction crane safety.

Sec. 3. RCW 49.17.400 and 2007 c 27 s 2 are each amended to read as follows:

The definitions in this section apply throughout ((RCW

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~~49.17.400 through 49.17.430~~) this section and sections 4 through 7 of this act unless the context clearly requires otherwise.

(1) "Apprentice operator or trainee" means a crane operator who has not met requirements established by the department under RCW 49.17.430.

(2) "Attachments" includes, but is not limited to, crane-attached or suspended hooks, magnets, grapples, clamshell buckets, orange peel buckets, concrete buckets, drag lines, personnel platforms, augers, or drills and pile-driving equipment.

(3) "Certified crane inspector" means a crane inspector who has been certified by the department.

(4) "Construction" means all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling of buildings and other structures and all related operations; the excavation, construction, alteration, and repair of sewers, trenches, caissons, conduits, pipelines, roads, and all related operations; the moving of buildings and other structures, and the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments, or any other related construction, alteration, repair, or removal work. "Construction" does not include manufacturing facilities or powerhouses.

(5) "Crane" means power-operated equipment used in construction that can hoist, lower, and horizontally move a suspended load. "Crane" includes, but is not limited to: Articulating cranes, such as knuckle-boom cranes; crawler cranes; floating cranes; cranes on barges; locomotive cranes; mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck mounted, and boom truck cranes; multipurpose machines when ~~((configured)) used to ((hoist)) lift and lower ((by means of a winch or hook and)) a suspended load, or horizontally move a suspended load~~; industrial cranes, such as carry-deck cranes; dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes, such as fixed jib, hammerhead boom, luffing boom, and self-erecting; pedestal cranes; portal cranes; overhead and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment.

(6) "Crane operator" means an individual engaged in the operation of a crane.

(7) "Professional engineer" means a professional engineer as defined in RCW 18.43.020.

(8) "Qualified crane operator" means a crane operator who meets the requirements established by the department under RCW 49.17.430.

(9) "Safety or health standard" means a standard adopted under this chapter.

(10) "Assembly, disassembly, and reconfiguration" means the assembly, disassembly, or reconfiguration of cranes covered under this section and sections 4 through 7 of this act.

(11) "Assembly/disassembly work zone" is applicable to tower cranes and means the total area that the crane and/or components or attachments could reach if the crane were to collapse. Height of the crane, length of boom, attachments, and loads, shall all be considered to calculate the area, which can shrink or grow as the work progresses.

(12) "Crane owner" means the company or entity that has custodial control of a crane by virtue of lease or ownership.

(13) "Prime contractor" means the person or entity that has overall responsibility for the construction of the project, its planning, quality, and completion and serves as the site supervisor.

(14) "Reconfiguration" means adding or subtracting components that alter the height, length, or capacity of a crane. The set-up of a crane is not considered reconfiguration.

NEW SECTION. Sec. 4. A new section is added to chapter

49.17 RCW to read as follows:

(1) The department shall establish, by rule, a permit for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane, subject to the requirements of subsection (2) of this section.

(2) The tower crane permit established by rule under subsection (1) of this section must include the following provisions, at a minimum:

(a) Require a complete application, subject to the requirements of subsection (5) of this section;

(b) Require a safety conference prior to issuing the permit, subject to the requirements of subsection (6) of this section;

(c) Require the department to issue or deny a permit, subject to the requirements of subsections (7) and (8) of this section;

(d) Allow the department to suspend or revoke a permit, subject to the requirements of subsection (9) of this section;

(e) Require the department to provide written notice of denials, suspensions, or revocation of a permit specifying the reasons for the denial, suspension, or revocation;

(f) Allow appeals of a denial, suspension, or revocation of a permit, subject to the requirements of subsection (10) of this section;

(g) Require advance notification to the department of any assembly, disassembly, or reconfiguration of a tower crane and require confirmation from the department to proceed;

(h) Allow the department to require additional information or updated safety conferences before issuing a confirmation to proceed under (g) of this subsection;

(i) Require the department to inspect permitted activities for the tower crane once assembled, following any reconfiguration, or any other permitted activities; and

(j) Require that if the department identifies deficiencies that directly affect the structural integrity or safe operation of a tower crane, the deficiencies be addressed immediately, and the tower crane not be operated until the deficiencies are corrected.

(3) Beginning January 1, 2026, a prime contractor must obtain a permit from the department, as established under this section, prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. An exemption from the permit requirement may be allowed by the department for exceptions as determined by the department.

(4)(a) The prime contractor must possess a permit, as required under subsection (3) of this section, at all times a tower crane is present on a construction worksite.

(b) If the prime contractor's permit is suspended or revoked, the tower crane may not be used in operations, nor can assembly, disassembly, or reconfiguration take place until all deficiencies have been addressed and the permit is reinstated by the department.

(5) The prime contractor must apply for a permit required under subsection (3) of this section in a manner and form prescribed by the department that must include, but is not limited to, the following:

(a) Name of the assembly/disassembly director;

(b) Beginning the later of January 1, 2027, or 12 months after the date an assembly/disassembly director program is approved by a nationally accredited organization recognized by the department, the application must include a copy of the assembly/disassembly director's national assembly/disassembly director certification; and

(c) Certification from the prime contractor that all assembly, disassembly, and reconfigurations will be performed with a technical representative of the distributor or manufacturer present to assure that such processes and operations are performed in

accordance with manufacturer operation instructions and guidelines. The technical representative must be knowledgeable of assembly, disassembly, and reconfiguration procedures.

(6)(a) Prior to issuing a permit as required under subsection (3) of this section, the department must complete a safety permit conference, which may be conducted using remote videoconference technology, to ensure all parties involved with the assembly, disassembly, and reconfiguration of the tower crane are aware of the requirements and responsibilities under the permit, including manufacturer operation instructions and guidelines, and recommended best practices. The department must establish the information and materials required to be submitted prior to the safety conference, the information and material required to be reviewed at the safety conference, and the required attendees at the safety conference.

(b) During the safety conference, at a minimum the following items must be evaluated:

(i) The potential risks of the procedures, including those addressed in the crane operating manual, as well as specific measures to be taken by the permit applicant and all entities required in the operation, assembly, disassembly, and reconfiguration of the tower crane to minimize these risks;

(ii) The written accident prevention programs of the permit applicant and all entities involved in the operation, assembly, disassembly, and reconfiguration of the tower crane;

(iii) The permit applicant's written job plan as required under RCW 49.17.440; and

(iv) For each employee directly involved with the permitted work, a review of their experience and qualifications, including a copy of the crane operator's license.

(7) The department shall issue a permit under this section within five working days of the initial project permit safety conference under subsection (6) of this section, if the application materials are complete and the materials presented by the prime contractor at the safety conference are complete. If the application or safety conference materials are not complete, the prime contractor must be given a written list, before leaving the safety conference, of the materials or information outstanding. The department shall then either issue the permit within five working days of receiving the outstanding materials or deny the permit in writing pursuant to the requirements under this chapter and rules established by the department. The department may issue conditional permits, including when specific information is not yet available.

(8) The department must deny a permit if the permit applicant has a record of safety and health violations which indicates that the permit applicant may not be maintaining a safe worksite or operation.

(9) The department must suspend or revoke a permit if the permit holder:

(a) Has failed to comply with applicable occupational health and safety standards or regulations involving tower cranes;

(b) Fails to notify the department in advance of the assembly, disassembly, or reconfiguration of a fixed tower crane as required under this section;

(c) Fails to ensure that a technical representative of the distributor or manufacturer of the tower crane who is knowledgeable of assembly, disassembly, and reconfiguration procedures was present during assembly, disassembly, or reconfiguration;

(d) Fails to immediately correct deficiencies directly affecting the structural integrity of a tower crane;

(e) Fails to correct deficiencies directly affecting the safe operation of a tower crane; or

(f) Has refused the department entry to a worksite that contains activity for which a permit is required.

(10)(a) A denial, suspension, or revocation of a permit may be appealed to department within 15 working days after the denial, suspension, or revocation order is communicated.

(b) The department shall hold a hearing at such place designated by the director or authorized representative for the convenience of the attending parties within 2 working days of the applicant's or suspended or revoked permit holder's appeal.

(c) The applicant or suspended or revoked permit holder has the burden of establishing that it qualifies for a permit.

(d) The director or authorized representative shall preside at the hearing, which must be open to employees or employees' representatives.

(e) The applicant or permit holder shall notify the employees or employees' representatives of such hearing a reasonable time prior to the hearing, but in no case later than 24 hours prior to the hearing. Proof of such notification by the applicant or permit holder must be made at the hearing.

(f) The director or authorized representative shall issue a decision within 10 business days of the hearing. The director's or authorized representative's decision may affirm the order, reverse the order, or reverse the order with conditions to mitigate any deficiencies.

(g) The director's or authorized representative's decision is subject to appeal to the board of industrial insurance appeal under RCW 49.17.140.

Sec. 5. RCW 49.17.420 and 2007 c 27 s 4 are each amended to read as follows:

(1) The department shall establish, by rule, a crane certification program for cranes used in construction. In establishing rules, the department shall consult nationally recognized crane standards.

(2) The crane certification program must include, at a minimum, the following:

(a) The department shall establish certification requirements for crane inspectors, including an experience requirement, an education requirement, a training requirement, and other necessary requirements determined by the director;

(b) The department shall establish a process for certified crane inspectors to issue temporary certificates of operation for a crane and the department to issue a final certificate of operation for a crane after a certified crane inspector determines that the crane meets safety or health standards, including meeting or exceeding national periodic inspection requirements recognized by the department;

(c) Crane owners must ensure that cranes are inspected and load proof tested by a certified crane inspector at least annually and after any significant modification or significant repairs of structural parts. If the use of weights for a unit proof load test is not possible or reasonable, other recording test equipment may be used. In adopting rules implementing this requirement, the department may consider similar standards and practices used by the federal government;

(d) Tower cranes and tower crane assembly parts must be inspected by a certified crane inspector ~~((both))~~ prior to and following every assembly ((and following erection)), disassembly, and reconfiguration of a tower crane. Any issues identified throughout the procedure must be tracked and corrected according to this chapter and applicable department rule;

(e) Before installation of a nonstandard tower crane base, the engineering design of the nonstandard base shall be reviewed and acknowledged as acceptable by an independent professional engineer;

(f) A certified crane inspector must notify the department and the crane owner if, after inspection, the certified crane inspector finds that the crane does not meet safety or health standards. A certified crane inspector shall not attest that a crane meets safety or health standards until any deficiencies are corrected and the

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correction is verified by the certified crane inspector; and

(g) Inspection reports including all information and documentation obtained from a crane inspection shall be made available or provided to the department by a certified crane inspector upon request.

(3) Except as provided in RCW 49.17.410(2), any crane operated in the state must have a valid temporary or final certificate of operation issued by the certified crane inspector or department posted in the operator's cab or station.

(4) Certificates of operation issued by the department under the crane certification program established in this section are valid for one year from the effective date of the temporary operating certificate issued by the certified crane inspector.

(5) This section does not apply to maritime cranes regulated by the department.

Sec. 6. RCW 49.17.440 and 2007 c 27 s 6 are each amended to read as follows:

(1) The department of labor and industries shall adopt rules necessary to implement ((RCW 49.17.400 through 49.17.430)) sections 3 through 7 of this act.

(2) The department shall adopt rules for tower crane assembly, disassembly, and reconfiguration including, but not limited to:

(a) A process for determining when the department will be present for the assembly, disassembly, and reconfiguration of a tower crane;

(b) Requirements that the prime contractors of construction projects acknowledge all applicable safety orders, crane manufacturer operation instructions and guidelines, written procedures from a registered professional structural engineer, and recommended practices prior to the assembly, disassembly, and reconfiguration of a tower crane;

(c) Requirements that the prime contractor of the construction project ensure that a qualified technical representative of the distributor or manufacturer who is knowledgeable of assembly, disassembly, and reconfiguration procedures will be present during assembly, disassembly, and reconfiguration of a tower crane to assure that such procedures are performed in accordance with manufacturer operation instructions and guidelines;

(d) Requiring prime contractors of construction projects to follow crane manufacturer operation instructions and guidelines or alternate plans/instructions approved by a registered professional engineer when assembling, disassembling, and reconfiguring a tower crane;

(e) Requiring the presence of an assembly/disassembly director at every tower crane assembly, disassembly, and reconfiguration to directly oversee all work performed. The assembly/disassembly director may not serve in any other capacity while directly supervising a tower crane assembly, disassembly, or reconfiguration procedure;

(f) Conducting programmed inspections of workplaces that contain tower cranes;

(g) Establishing requirements for the maximum allowable wind speed for tower crane assembly, disassembly, and reconfiguration;

(h) Establishing requirements for a written job plan that addresses the requirements of the manufacturer's manual tailored to the site conditions where the tower crane will be installed, as appropriate for assembly, disassembly, and reconfiguration of a tower crane;

(i) Establishing requirements that must be met to be considered a competent and qualified assembly/disassembly director including, beginning January 1, 2027, or 12 months after the date an applicable certification program is approved by a nationally accredited organization recognized by the department, certification from a national organization recognized by the

department;

(j) Establishing effective stop work procedures that ensure the authority of any employee, including employees of contractors, to refuse or delay the performance of a task related to a tower crane that the employee believes could reasonably result in serious physical harm or death. The rules must ensure that employees who exercise stop work authority are protected from intimidation, retaliation, or discrimination; and

(k) Other rules necessary to implement sections 3 through 7 of this act.

(3) The department may set fees in rule to be charged for permits issued under section 4 of this act in an amount sufficient to cover the costs of administering section 4 of this act. Fees shall be deposited in the industrial insurance trust funds.

NEW SECTION. Sec. 7. A new section is added to chapter 49.17 RCW to read as follows:

A tower crane manufacturer and distributor shall, without exception, provide all relevant manufacturer operation instructions and guidelines, including assembly, disassembly, and reconfiguration instructions, for the safe use and maintenance of all of the manufacturer's or distributor's tower cranes located in the state to any person who requests access to such materials. The prescribed information, format, and distribution channel must be determined by the department. These materials must be written in the English language with customary grammar and punctuation. Information must be provided within a reasonable time frame, as determined by the department.

NEW SECTION. Sec. 8. A new section is added to chapter 36.70B RCW to read as follows:

(1) When a worksite contains a tower crane, the local government in which the tower crane is located must, at a minimum, do the following before any assembly, disassembly, or reconfiguration of the tower crane:

(a) Align permit issuance for street closures with the definition of assembly/disassembly work zone when a tower crane is being assembled, disassembled, reconfigured, or otherwise not fully stabilized and secure;

(b) Issue permits in a timely manner allowing for sufficient time to safely conduct assembly, disassembly, or reconfiguration; and

(c) Provide notice to residents and occupants in buildings within the assembly/disassembly work zone in advance of any assembly, disassembly, or reconfiguration.

(2) For purposes of this section, "assembly, disassembly, or reconfiguration" and "assembly/disassembly work zone" have the same meanings as those terms are defined in RCW 49.17.400.

NEW SECTION. Sec. 9. A new section is added to chapter 49.17 RCW to read as follows:

The provisions of this act do not apply to cranes used on marine vessels and at ports, terminals, and marine facilities for maritime activities regulated by the department.

Sec. 10. RCW 49.17.190 and 2011 c 96 s 40 are each amended to read as follows:

(1) Any person who gives advance notice of any inspection to be conducted under the authority of this chapter, without the consent of the director or his or her authorized representative, shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both.

(2) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six

months or by both.

(3) Any employer who willfully and knowingly violates the requirements of RCW 49.17.060, any safety or health standard promulgated under this chapter, any existing rule or regulation governing the safety or health conditions of employment and adopted by the director, or any order issued granting a variance under RCW 49.17.080 or 49.17.090 and that violation caused death to any employee shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ~~((one hundred thousand dollars))~~ \$100,000 or by imprisonment for not more than six months or by both; except, that if the conviction is for a violation committed after a first conviction of such person, punishment shall be a fine of not more than ~~((two hundred thousand dollars))~~ \$200,000 or by imprisonment for not more than ~~((three hundred sixty four))~~ 364 days, or by both.

(4) Any employer who has been issued an order immediately restraining a condition, practice, method, process, or means in the workplace, pursuant to RCW 49.17.130 or 49.17.170, and who nevertheless continues such condition, practice, method, process, or means, or who continues to use a machine or equipment or part thereof to which a notice prohibiting such use has been attached, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not more than ~~((ten thousand dollars))~~ \$10,000 or by imprisonment for not more than six months, or by both.

(5) Any employer who shall knowingly remove, displace, damage, or destroy, or cause to be removed, displaced, damaged, or destroyed any safety device or safeguard required to be present and maintained by any safety or health standard, rule, or order promulgated pursuant to this chapter, or pursuant to the authority vested in the director under RCW 43.22.050 shall, upon conviction, be guilty of a misdemeanor and be punished by a fine of not more than ~~((one thousand dollars))~~ \$1,000 or by imprisonment for not more than ~~((ninety))~~ 90 days, or by both.

(6) An employer is guilty of a misdemeanor if the employer:
(a) Allows any person to engage in the assembly, disassembly, or reconfiguration of a tower crane without direct supervision by a competent and qualified assembly/disassembly director as required under this chapter and defined by the department; or (b) allows a tower crane to be assembled, disassembled, or reconfigured not in accordance with manufacturer operation instructions, manufacturer guidelines, or written procedures from a registered professional structural engineer.

(7) Whenever the director has reasonable cause to believe that any provision of this section defining a crime has been violated by an employer, the director shall cause a record of such alleged violation to be prepared, a copy of which shall be referred to the prosecuting attorney of the county wherein such alleged violation occurred, and the prosecuting attorney of such county shall in writing advise the director of the disposition he or she shall make of the alleged violation.

NEW SECTION. Sec. 11. This act takes effect January 1, 2025."

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 49.17.400, 49.17.420, 49.17.440, and 49.17.190; adding new sections to chapter 49.17 RCW; adding a new section to chapter 36.70B RCW; creating a new section; providing an effective date; and prescribing penalties."

MOTION

Senator Conway moved that the following floor amendment no. 724 by Senators Conway and King be adopted:

On page 10, line 24, after "Issue" strike all material through

"time" and insert "street closure permits with consideration for sufficient time, as defined by the permit applicant."

On page 10, line 26, after "(c)" strike "Provide" and insert "Develop permitting procedures that provide"

Senators Conway and King spoke in favor of adoption of the amendment to the striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 724 by Senators Conway and King on page 10, line 24 to striking floor amendment no. 723.

The motion by Senator Conway carried and floor amendment no. 724 was adopted by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of striking floor amendment no. 723 by Senator Keiser as amended to Second Substitute House Bill No. 2022.

The motion by Senator Keiser carried and striking floor amendment no. 723 as amended was adopted by voice vote.

MOTION

On motion of Senator Frame, the rules were suspended, Second Substitute House Bill No. 2022 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Wagoner, Senator McCune was excused.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2022 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2022 as amended by the Senate 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, 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.

Excused: Senator McCune

SECOND SUBSTITUTE HOUSE BILL NO. 2022 as amended by the Senate, 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.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced Mr. & Mrs. Henry and Andrea Wong, parents of Sarah Wong, who were seated in the gallery.

PERSONAL PRIVILEGE

FORTY SEVENTH DAY, FEBRUARY 23, 2024

2024 REGULAR SESSION

Senator Keiser: "First of all, I am so happy that we have been able to achieve this milestone. I also wanted to mention we lost an iron worker on this tower crane. And this wouldn't be law without the work and support of the ironworkers union on behalf of their members. Thank you."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2115, by House Committee on Health Care & Wellness (originally sponsored by Thai, Slatter, Senn, Chapman, Reed, Ramel, Macri, Gregerson, Doglio, Fosse, Riccelli, Wylie, and Reeves)

Concerning prescription labels for medications used for abortion.

The measure was read the second time.

MOTIONS

On motion of Senator Nobles, Senators Hasegawa and Liias were excused.

On motion of Senator Frame, the rules were suspended, Engrossed Substitute House Bill No. 2115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frame spoke in favor of passage of the bill.

Senator Rivers spoke on passage of the bill.

Senator Fortunato spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2115.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2115 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Gildon, Hansen, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Lovelett, Lovick, Mullet, Muzzall, 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, Holy, King, MacEwen, Padden, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, L.

Excused: Senators Liias and McCune

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2293, by House Committee on Agriculture & Natural Resources (originally sponsored by Wilcox, Chapman, Kretz, Dent, Barkis, and Barnard)

Studying the effects of avian predation of salmon.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Substitute House Bill No. 2293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Muzzall and Fortunato spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2293.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2293 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, 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.

Excused: Senators Liias and McCune

SUBSTITUTE HOUSE BILL NO. 2293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:28 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Monday, February 26, 2024.

KAREN KEISER, President Pro Tempore of the Senate

SARAH BANNISTER, Secretary of the Senate

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