



## **Washington State Legislative Session Report – Snohomish County**

### **February 4<sup>th</sup> (Week 4)**

#### ***General Update***

##### *General Updates*

Wednesday, January 31st marked the first cutoff of session where all bills had to move out of the policy committee in the chamber in which they were originally introduced – called the house of origin – or they are now considered dead. The exception for this is bills that are deemed ‘necessary to implement the budget’ (NTIB). There are also some dead bills that end up getting turned into a proviso that could be included in the budget. Changing over to a proviso can keep an issue alive, but it’s only guaranteed for the life of the current budget cycle because you can’t put things into state law (aka statute) via the budget.

The next cutoff date – house of origin fiscal cutoff – is tomorrow, Monday, February 5th. By this date all bills referred to fiscal committees (Appropriations, Finance, and Capital Budget Committees in the House; Ways & Means in the Senate; and both Transportation Committees) must pass out of that committee or they will be considered dead. Because of the short turnaround between these two cutoffs, the House Appropriations and Senate Ways & Means Committees both convened for marathon hearings all day on Saturday, February 3rd. Both committees will hold long meetings today where they will be focused on moving bills out of committee by end of day.

This is a particularly important time to keep an eye on adopted amendments or substitutes as the focus of bills can quickly change. It is not unusual to see the scope of legislation shift to keep a bill moving, or scaled back to minimize cost, for example.

Not all bills get referred to a fiscal committee. The threshold can vary, but there is typically a fiscal impact level that a bill needs to hit to be referred to a fiscal committee. There are, of course, exceptions. If a bill skips fiscal committee, it goes straight to the Rules committee where it will sit until pulled to the floor for debate and vote.

Once we get past tomorrow’s fiscal cutoff, the focus quickly shifts to floor action. Starting Tuesday, both chambers will convene for floor sessions where they will debate, potentially amend, and vote on bills that are pulled from Rules. This will continue until the house of origin floor cutoff on Tuesday, February 13th. There may be some committees that meet during this time, but not nearly as many as in recent weeks.

#### ***Budget***

We are also getting closer to budget time! Last week was the deadline for legislators in both the House and the Senate to submit their budget requests for consideration. Budget form deadline

is always a flurry of activity for advocates to make sure their champions have everything they needed to get their request turned in on time. Next steps regarding the budget are that the [Economic Revenue & Forecast Council](#) releases the quarterly revenue forecast on Feb 14th. After that comes out, the House and Senate may need to adjustments based on those numbers and finish up their budget proposals. We anticipate seeing the respective budget proposals the week of Feb 18th sometime, but we don't know for sure until they come out. The legislature will then spend the remainder of the session negotiating a final budget.

### *Looking Ahead*

This week will see a final push for executive sessions in fiscal committees with the fiscal committee cutoff being Monday, February 5<sup>th</sup>. Then focus will quickly shift to floor action where each chamber will convene for long days of debate and voting as they work towards the February 13<sup>th</sup> floor cutoff.

#### Upcoming Key Dates:

- February 5<sup>th</sup> - House of Origin Fiscal Cutoff
- February 13<sup>th</sup> - House of Origin Floor Cutoff
- February 21<sup>st</sup> - Opposite House Policy Cutoff
- February 26<sup>th</sup> - Opposite House Fiscal Cutoff
- March 1<sup>st</sup> - Opposite House Floor Cutoff
- March 7<sup>th</sup> - Sine Die

### ***Session Primers:***

As we go through session, we will periodically do brief primers on things related to session and the legislative process. We often use jargon and things move very quickly, so our goal with these primers is to help you better understand what is going on in Olympia as we go along. If you have any questions, don't hesitate to reach out!

#### *Null & Void and Subject to Appropriations*

During executive sessions in both the House Appropriations and Senate Ways & Means Committees this week, a lot of bills will be amended to include a 'Null and Void' or 'Subject to Appropriation' clause. When a bill has this language added, depending on where it is placed it means either a section or subsection of a bill or the bill in its entirety is invalid unless funding is provided in the budget by a specified date. The intention behind these clauses is to prevent a bill, or a component of a bill, from being enacted that doesn't end up getting the money needed to implement it. Both Democrats and Republicans will propose null and void clauses. It is standard practice in the fiscal committees for these to be added to most bills and they are often done by a verbal amendment.

#### *The Rules Committee*

Check out this short and interesting [video](#) from House Speaker Laurie Jenkins in 2020 that explains the role of the Rules Committee.

Before a bill can make it to the chamber floor for debate and vote it must first make it out of the Rules Committee. This can be a fairly confusing process, especially since the House and Senate use different

terminology for parts of the Rules Committee process. To help better understand this process I wanted to provide a primer on the Rules Committee.

The Rules committee is a powerful committee and is often referred to as "The Gatekeeper". Some people also say that the Rules committee is where bills go to die. This is because it is a big hurdle to get pulled out of the Rules committee and brought to the floor and many bills don't make it through. The process for getting pulled from Rules can seem complicated and can also be difficult to influence.

The simplified explanation of the Rules committee is that it is a two-step process to determine which bills will be placed on the floor calendar for amendment, debate, and ultimately for a vote by the full chamber (House or Senate). The following is a brief summary of each chamber's process for the Rules Committee. The processes are very similar, but given the use of different terminology and some nuances I am explaining them separately. You can also get more details on the Rules Committee [here](#).

#### *Senate Rules Committee Process*

In Senate Rules there are two calendars – the white sheet and the green sheet. The white sheet is where bills are sent immediately after passing out of a standing committee. The green sheet is a consideration calendar made up of bills that have been “pulled” by Rules committee members from the white sheet and is essentially the list of bills eligible to go to the floor. Bills can be pulled from the white to green sheet without debate or vote. Senate Rules Committee members get a predetermined number of pulls. Once on the green sheet they are eligible to pull to the floor at the next Rules meeting, but to make it to the floor they are first debated and voted on by Rules committee members. Bills can also be pulled in “packages” where groups of bills may be voted out of Rules at one time. Senate Rules also allows what is known as a “leadership pull”, which is where a package of bills can be pulled by leadership from the Review and/or Consideration calendars to the floor. If a bill is voted out of the Rules committee it is added to the floor calendar for second and third reading.

#### *House Rules Committee Process*

There are also two calendars in House Rules – the “Rules Review” calendar and the “Rules Consideration” calendar. Bills referred from a standing committee are placed on the Rules Review calendar. Rules Committee members can then pull a bill from the Rules Review calendar to the Rules Consideration calendar. This is the first pull. House Rules Committee members get a predetermined number of pulls. At a later meeting a member can do a second pull to move the bill from the Rules Consideration calendar to the floor calendar. Rules members vote on every motion to pull a bill. If a bill is voted out of the Rules committee it is added to the floor calendar for second and third reading. House Rules also allows what is known as a “leadership pull”, which is where a package of bills can be pulled from the Review and/or Consideration calendars to the floor.

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### ***Issue Updates & Key Legislation***

Rep Leavitt introduced [HB 1956](#), expands and makes recommendations for substance use prevention education related to fentanyl and opioids. Directs the Secretary of Health to annually develop and deploy a statewide multimedia substance use prevention and awareness campaign that meets specified requirements. Requires the Office of the Superintendent of Public Instruction to develop, periodically update, and actively distribute school and classroom

substance use prevention and awareness materials. HB 1956 had a public hearing in Appropriations on Feb 3<sup>rd</sup> and is scheduled for executive session on Feb 5<sup>th</sup>.

Sen Wellman introduced [SB 5923](#), which tasks the Office of the Superintendent of Public Instruction (OSPI) and other agencies to review and update substance use prevention education materials and resources provided to students and families in middle and high schools. Directs OSPI to revise the health and physical education K-12 learning standards to include knowledge and understanding related to fentanyl, opioid, and other life-threatening drug use. Requires education to prevent fentanyl and other opioid use to be provided once a year to all students in seventh and ninth grade. Strongly encourages school districts to work with their educational service districts and substance abuse intervention specialists to provide this education and invite families where possible. SB 5923 had a public hearing in Senate Ways & Means on Jan 30<sup>th</sup>. It has not been scheduled for executive session so is likely dead. *Snohomish County signed in pro.*

Sen Kuderer introduced [SB 5804](#), which requires all school districts, charter schools, and state-tribal education compact schools, not just those with 2000 or more students, to obtain and maintain at least one set of opioid overdose reversal medication doses in each of the public schools and to adopt a related policy. It passed unanimously out of the Senate on Feb 1<sup>st</sup>.

Rep Orwall introduced [HB 2088](#), which provides covered entities and personnel with immunity from civil liability for negligent acts and omissions while providing: (1) specified crisis care services under clinical supervision to persons experiencing a behavioral health crisis; or (2) transportation of patients to specified services. It has been placed on the House second reading calendar.

Rep Davis introduced [HB 2319](#), which relates to substance use disorder treatment. The bill directs behavioral health agencies to submit policies to the Department of Health (Department) related to the transfer or discharge of a person without the person's consent and requires the Department to adopt a model policy based on the policies that it receives. Requires behavioral health agencies to provide patients seeking treatment for opioid use disorder or alcohol use disorder with education related to treatment options, including any available pharmacological treatments. Requires the length of an initial authorization for inpatient or residential substance use disorder treatment approved by the Public Employees Benefits Board (PEBB), private health insurers, and Medicaid managed care organizations to be no less than 14 days from the date of admission. Prohibits the PEBB, private health insurers, and Medicaid managed care organizations from considering a patient's length of abstinence when determining whether services are medically necessary if the abstinence is due to incarceration or hospitalization. Directs the Office of the Insurance Commissioner to convene a workgroup of commercial health carriers, Medicaid managed care organizations, and behavioral health agencies to develop recommendations for streamlining the requirements and processes for the authorization and reauthorization of inpatient or residential substance use disorder treatment. A [substitute version](#) was adopted and voted out the House Committee on Health Care & Wellness on Jan

31<sup>st</sup>. It had a public hearing in House Appropriations on Feb 3<sup>rd</sup> and is scheduled for executive session on Feb 5<sup>th</sup>. *Snohomish County signed in pro.*

Rep Davis introduced [HB 2469](#), which concerns the Involuntary Treatment Act. It revises provisions of the Involuntary Treatment Act to: require courts to consult the Judicial Information System before entering relief, expand eligible petitioners under Joel's Law, address determinations regarding whether a person will seek voluntary treatment, and address required notices of loss of firearm rights. It requires the Health Care Authority (HCA) to contract with organizations to: convene focus groups to make recommendations on improving experiences and outcomes for civil commitment patients, and develop a proposal for a statewide network of secure, trauma-informed transport for civil commitment patients. And it requires the HCA to contract with an association representing designated crisis responders to develop a training program for licensed social workers who practice in an emergency department with responsibilities related to involuntary civil commitments. It was scheduled for executive session in the House Committee on Civil Rights and Judiciary on Jan 31<sup>st</sup> but no action was taken so it is considered dead.

Sen Dhingra introduced [SB 5853](#), which allows 23-hour Crisis Relief Centers to serve minors, but not in the same treatment area as adults. It had a public hearing in the Senate Committee on Ways and Means on Feb 2<sup>nd</sup> and is scheduled for executive session on Feb 5<sup>th</sup>. *Snohomish County signed in pro.*

Sen L. Wilson introduced [SB 5906](#), which requires the Department of Health to develop and maintain an ongoing drug overdose prevention campaign. It had a public hearing in the Senate Committee on Ways and Means on Jan 29<sup>th</sup> and is scheduled for executive session on Feb 5<sup>th</sup>.

Sen Dhingra introduced [SB 6228](#), which relates to substance use disorder treatment. It requires health plans to authorize up to 28 days of inpatient or residential substance use disorder treatment on the first utilization review. Requires health plans to cover ground ambulance transportation to a behavioral health emergency services provider when a person is experiencing an emergency medical condition as an alternative to an emergency room, and to also cover transportation upon discharge from the behavioral health emergency services provider to the next level of care. Caps certification fees for substance use disorder professionals (SUDPs) and SUDP trainees at \$100 until July 1, 2029, subject to appropriation for Department of Health Costs. Removes limitations on license and certification renewals for associate marriage and family therapists, associate mental health counselors, associate social workers, and SUDP trainees. It had a public hearing in Senate Ways & Means on Feb 2<sup>nd</sup> and is scheduled for executive session on Feb 5<sup>th</sup>. *Snohomish County signed in pro.*

Sen Dhingra introduced [SB 6251](#), which requires behavioral health administrative service organizations (BHASOs) to convene regional partners and stakeholders to develop protocols for coordination of the behavioral health crisis response and system in regions where the BH-ASO determines it is of practical value. Allows BH-ASOs to recommend 988 contact hub contractors within each regional service area. Directs BH-ASOs to establish

comprehensive protocols for dispatching mobile rapid response crisis teams and community-based crisis teams. A [substitute version](#) was adopted and voted out of the Senate Committee on Health and Long Term Care on Jan 30<sup>th</sup>. It had a public hearing in the Senate Ways and Means committee on Feb 3<sup>rd</sup> and is scheduled for executive session on Feb 5<sup>th</sup>. *Snohomish County signed in pro.*

Sen Dhingra introduced [SB 6295](#), which requires the Department of Social and Health Services to provide supplemental enhanced resources to a person discharging from involuntary commitment at a psychiatric facility after dismissal of a criminal case based on incompetency to stand trial, in collaboration with other entities. requires behavioral health administrative services organizations (BH-ASOs) to provide wraparound services for persons in the community with a history of involvement with the forensic psychiatric system if the BH-ASO is not able to refer the person to a specialty service. An [amendment](#) was adopted and the bill was passed out of the the Senate Committee on Health & Long Term Care committee on on Jan 30<sup>th</sup>. It was referred to Senate Ways & Means but has not yet been scheduled for a hearing so is likely dead.

Sen Dhingra introduced [SB 6308](#), which extends the timeline for implementation of the technology platforms that must be developed by the Department of Health and Health Care Authority. The bill had a hearing in the Senate Ways & Means Committee on Feb 3<sup>rd</sup> and is scheduled for executive session on Feb 5<sup>th</sup>. *Snohomish County signed in pro.*

Sen Gildon introduced [SB 6134](#), which directs the Department of Health (DOH) to create a system for mapping reported incidents of fatal and nonfatal overdoses and synthetic opioid poisonings. Directs DOH to establish a Washington State Opioid Trends Review Committee to make recommendations concerning preventable overdose related deaths. Appropriates \$7 million to the Criminal Justice Training Commission for the Washington Association of Sheriffs and Police Chiefs to administer grants for multijurisdictional task forces. A [substitute version](#) was adopted and voted out of committee on Jan 30<sup>th</sup>. It had a public hearing in the Senate Ways and Means Committee on Feb 3<sup>rd</sup> but is not scheduled for executive session so is likely dead. *Snohomish County signed in pro.*