

**THIRD DAY****AFTERNOON SESSION**

Senate Chamber, Olympia  
Wednesday, January 12, 2022

The Senate was called to order at 1:00 o'clock p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Sheldon.

The Washington State Patrol Honor Guard presented the Colors.

Miss Morgan Lee and Miss Jessica Laing of Lake Washington High School led the Senate in the Pledge of Allegiance. They were guests of Senator Dhingra.

Reverend Jeffery Spencer of Oak Harbor Lutheran Church offered the prayer.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 11, 2022

**SB 5653** Prime Sponsor, Senator Rolfes: Changing the name of the commission on pesticide registration to the commission on integrated pest management. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

Pursuant to Senate Rule 45 (13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 5596,  
SENATE BILL NO. 5638,  
SENATE BILL NO. 5644,  
SENATE BILL NO. 5645,  
SENATE BILL NO. 5655,  
and SENATE BILL NO. 5664.

**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 third order of business.

**MESSAGE FROM OTHER STATE OFFICERS****RESOLUTION NO. 2022-001****AFFIRMING THE WHATCOM COUNTY COUNCIL'S APPOINTMENT TO FILL VACANT 42<sup>ND</sup> LEGISLATIVE DISTRICT SENATE SEAT**

**WHEREAS**, a vacancy currently exists in the 42nd Washington State Legislative District; and

**WHEREAS**, Article II, Section 15, of the Washington state Constitution provides that in the event of a vacancy occurring in a legislative district the vacancy shall be filled by the legislative authority of the county in which the vacancy occurs from a list of three candidates nominated by the county central committee of the same political party as the legislator whose office is vacated; and

**WHEREAS**, the candidates must reside in the 42nd legislative district and be of the same political party as the legislator whose office is vacated; and

**WHEREAS**, the Whatcom County Republican Party has submitted the names of three constitutionally qualified candidates to fill the current legislative district vacancy.

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council that Simon Sefzik is hereby appointed to the position of state representative for the 42nd Legislative District in the Washington State Senate and continuing until a successor is elected at the next general election, and has qualified.

**BE IT FINALLY RESOLVED** that the Clerk of the Council shall provide a copy of this resolution to the Clerk of the Washington State Senate, the Governor of the State of Washington, and the Chair of the Whatcom County Republican Party.

**APPROVED** this 11<sup>th</sup> day of January, 2022.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

/s/

Todd Donovan, Council Chair

ATTEST:

/s/

Dana Brown Davis, Clerk of the Council

APPROVED AS TO FORM:

/s/

Karen Frakes

Civil Deputy Prosecutor

The President welcomed Senator Sefzik to the Senate.

**MOTIONS**

On motion of Senator Pedersen, and without objection the Senate appointed Senator Sefzik to the following committees: Committee of Health & Long Term Care, Committee on Higher

Education & Workforce Development; and Committee on Housing and Local Government.

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

#### INTRODUCTION AND FIRST READING

SB 5820 by Senator Carlyle

AN ACT Relating to appointing the superintendent of public instruction; amending RCW 28A.300.010, 28A.300.040, 43.01.010, 43.03.010, 43.03.011, 41.32.010, 29A.52.231, and 42.17A.005; and providing a contingent effective date.

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

SB 5821 by Senators Rivers and Billig

AN ACT Relating to evaluating the state's cardiac and stroke emergency response system; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5822 by Senator L. Wilson

AN ACT Relating to insurance coverage for biomarker testing; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 5823 by Senators Das and Robinson

AN ACT Relating to local infrastructure project areas; and amending RCW 39.108.120, 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.120, and 39.108.010.

Referred to Committee on Housing & Local Government.

SB 5824 by Senators Nobles and Mullet

AN ACT Relating to providing dependent youth with financial education and support; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5825 by Senators Kuderer and Das

AN ACT Relating to establishing a rental and vacant property registration program work group; creating new sections; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5826 by Senator Padden

AN ACT Relating to warm water game fish management; and amending RCW 77.12.085.

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

SB 5827 by Senator Dozier

AN ACT Relating to offender management network information and electronic health records systems at the department of corrections; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5828 by Senator Nguyen

AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010; and providing an effective date.

Referred to Committee on Transportation.

SB 5829 by Senator Braun

AN ACT Relating to appropriations for behavioral health; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5830 by Senators Liias and Hasegawa

AN ACT Relating to increasing tenure-track faculty at the public baccalaureate institutions; adding a new section to chapter 28B.10 RCW; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 5831 by Senator L. Wilson

AN ACT Relating to transparency in state and local taxation; reenacting and amending RCW 44.48.150; adding a new section to chapter 82.02 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5832 by Senators Das and Fortunato

AN ACT Relating to expanding the multifamily tax exemption program to include converting existing multifamily units; and amending RCW 84.14.010 and 84.14.020.

Referred to Committee on Housing & Local Government.

SB 5833 by Senator Carlyle

AN ACT Relating to school board of directors compensation; and amending RCW 28A.343.400.

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

SB 5834 by Senator Carlyle

AN ACT Relating to implementing enterprise-wide technology policies in state government to ensure consistency, security, and responsible use of data; amending RCW 43.105.054 and 43.105.369; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5835 by Senators Saldaña and Keiser

AN ACT Relating to workers' compensation; amending RCW 51.32.060 and 51.32.090; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5836 by Senator Fortunato

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AN ACT Relating to informed consent for COVID-19 vaccines; adding a new section to chapter 18.130 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

SB 5837 by Senators Salomon and Das

AN ACT Relating to removing plastic bags as an option for use at retail establishments; and reenacting and amending RCW 70A.530.020.

Referred to Committee on Environment, Energy & Technology.

SB 5838 by Senators Nobles and Rivers

AN ACT Relating to providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families; adding a new section to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5839 by Senator Padden

AN ACT Relating to creating the crime of interfering with a firefighter or emergency medical services provider; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5840 by Senator Keiser

AN ACT Relating to language requirements for prescription drug labels; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health & Long Term Care.

SB 5841 by Senator Holy

AN ACT Relating to incentivizing cities and counties to increase employment of commissioned law enforcement officers; reenacting and amending RCW 43.101.200; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5842 by Senators Carlyle and Liias

AN ACT Relating to state laws that address climate change; amending RCW 70A.65.070, 70A.65.100, 70A.65.200, 70A.65.020, 70A.65.150, 70A.65.160, and 70A.65.230; and adding new sections to chapter 70A.65 RCW.

Referred to Committee on Environment, Energy & Technology.

SJR 8212 by Senator Carlyle

Removing the superintendent of public instruction as a statewide elected official.

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

#### MOTIONS

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

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

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

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions and the resolution must dropped 24 hours prior to that day's floor session.

#### MOTION

Senator Billig moved adoption of the following resolution:

#### SENATE RESOLUTION 8633

By Senator Billig

WHEREAS, Brad Hendrickson began his storied career with the Washington State Senate in 1982 as a bright-eyed and bowl-cut intern; and

WHEREAS, Having caught the legislative bug, Brad served as Student Legislative Liaison for Western Washington University for the 1983 session; and

WHEREAS, After graduating college, Brad returned to the Senate in 1986 where he worked as an Associate Research Analyst, a Systems Analyst, Staff Coordinator, Deputy Caucus Staff Director, Information Systems Coordinator, Deputy Secretary of the Senate, and the Secretary of the Senate; and

WHEREAS, After the January 20, 1993, Inaugural Day Storm caused the Capitol Campus to lose power, Brad, serving as Deputy Secretary, took part in the Senate's first - and hopefully only - pro forma session by flashlight and candlelight; and

WHEREAS, Brad served during the 2001 earthquake that literally shook the dome so badly it resulted in his planning an outdoor session at the sundial and relocating members and staff for two years while the legislative building was reinforced and remodeled; and

WHEREAS, Brad will be remembered as an integral member, Appointed Principal and Secretary-Treasurer, of the American Society of Legislative Clerks and Secretaries, hosting multiple nationwide professional development seminars in Washington State; and

WHEREAS, Brad, or bRad, as his friends and colleagues in ASLCS know him as, was infamous for his breadth of knowledge as well as his ability to make friends with anyone in the room, often using his balloon art skills to win over the most unfriendly of colleagues; and

WHEREAS, Brad was awarded the 2019 Legislative Staff Achievement Award for his work in supporting the legislative process, improving the effectiveness of the legislative institution and contributing to the work of ASLCS; and

WHEREAS, Brad's dedication to civic education and the Washington State Legislative Internship Program was a priority throughout his career as he mentored hundreds of interns as they entered state government and annually reprised his role as the esteemed host of intern Jeopardy!; and

WHEREAS, Brad helped plan and orchestrate the marriage proposal of two legislative staffers taking place on the Senate floor; and

WHEREAS, Despite his many pleas he was unfortunately

never able to convince Senate Security to use his preferred photo of a young Brad Pitt as his Outlook contact photo; and

WHEREAS, In a memo on best leadership and management practices, Brad noted that "Organizations, like individuals, should constantly seek self-improvement. If it ain't broke, try to make it even better"; and

WHEREAS, Brad exemplified how to be a public servant; and

WHEREAS, Brad's staff is confident he would want it noted that during his tenure as Secretary, the legislature never once entered into a special session; and

WHEREAS, Brad has spent approximately 3,542 days in session during his career;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its deepest gratitude for the nearly 40 years of service and sacrifice that Bradley J. Hendrickson has given to both the Legislature and the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Brad Hendrickson.

Senators Billig, Braun, Liias, Keiser, Lovelett and Hawkins spoke in favor of adoption of the resolution.

#### REMARKS BY THE PRESIDENT

President Heck: "The President would like to take a point of personal privilege, and extend to Brad his deepest of appreciation as well in part for the incredibly gracious and supportive way in which he helped me transition as the true rookie in this body last year, but more importantly because he recognizes and did throughout his entire career that this body, the Washington state Senate, is an institution whose needs need to be tended to and nurtured. That we as individuals are privileged to be members here, but our name tags slide in and out. Sometimes every four years. The body goes on. The institution goes on. To love democracy is to uphold the needs of this institution. And that was the hallmark of his entire career for which we are all deeply, deeply indebted."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

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

#### MOTION

At 1:26 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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The Senate was called to order at 2:16 p.m. by President Heck.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wellman moved that Rituja Indapure, Senate Gubernatorial Appointment No. 9190, be confirmed as a member of the Washington State Women's Commission.

Senators Wellman and Das spoke in favor of passage of the motion.

#### APPOINTMENT OF RITUJA INDAPURE

The President declared the question before the Senate to be the confirmation of Rituja Indapure, Senate Gubernatorial Appointment No. 9190, as a member of the Washington State Women's Commission.

The Secretary called the roll on the confirmation of Rituja Indapure, Senate Gubernatorial Appointment No. 9190, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

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

Absent: Senators Schoesler and Sheldon

Rituja Indapure, Senate Gubernatorial Appointment No. 9190, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Hunt moved that Michelle Merriweather, Senate Gubernatorial Appointment No. 9195, be confirmed as a member of the Washington State Women's Commission.

Senator Hunt spoke in favor of the motion.

#### APPOINTMENT OF MICHELLE MERRIWEATHER

The President declared the question before the Senate to be the confirmation of Michelle Merriweather, Senate Gubernatorial Appointment No. 9195, as a member of the Washington State Women's Commission.

#### MOTION

On motion of Senator Wagoner, Senators Schoesler and Sheldon were excused.

The Secretary called the roll on the confirmation of Michelle Merriweather, Senate Gubernatorial Appointment No. 9195, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

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

Excused: Senator Sheldon

Michelle Merriweather, Senate gubernatorial appointment No. 9195, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

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

The bill was read on Third Reading.

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

MOTION

On motion of Senator Wagoner, Senators Honeyford and Schoesler were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5268.

ROLL CALL

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

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

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5201, by Senators Van De Wege and Das

Concerning department of natural resources' timber and land sales.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5201.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Carlyle

Excused: Senator Sheldon

SENATE BILL NO. 5201, 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.

THIRD READING

SENATE BILL NO. 5354, by Senators Saldaña, King and Nguyen

Addressing traffic control in large cities.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Lovick, Rivers and Wagoner

Excused: Senator Sheldon

SENATE BILL NO. 5354, 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.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Brown, L. Wilson, Rolfes and Wagoner)

Concerning the safety of crime victims.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5245.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5245 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, 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.

#### THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5241, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Nobles, Saldaña, Stanford and C. Wilson)

Promoting economic inclusion.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5241.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

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

Voting nay: Senators Fortunato, Honeyford, McCune, Padden and Schoesler

Excused: Senator Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5241, 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.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5376, by Senate Committee on Early Learning & K-12 Education (originally sponsored by C. Wilson, Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña)

Promoting awareness of the governor's office of the education ombuds.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5376.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Fortunato, Honeyford, Padden and Schoesler

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5376, 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.

#### THIRD READING

SENATE BILL NO. 5312, by Senators Mullet, Liias and Van De Wege

Facilitating transit-oriented development and increasing housing inventory.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5312.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford,

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

Excused: Senator Sheldon

SENATE BILL NO. 5312, 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.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Cleveland, Das and Lovelett)

Concerning informed consent for breast implant surgery.

The bill was read on Third Reading.

### MOTIONS

On motion of Senator Wellman, the rules were suspended and Engrossed Substitute Senate Bill No. 5441 was returned to second reading for the purpose of amendment.

Senator Wellman moved that the following floor amendment no. 926 by Senator Wellman be adopted:

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

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 926 by Senator Wellman on page 2, line 1 to Engrossed Substitute Senate Bill No. 5441.

The motion by Senator Wellman carried and floor amendment no. 926 was adopted by voice vote.

### MOTION

On motion of Senator Wellman, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5441.

### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Padden and Sheldon

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.

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5441, 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.

### THIRD READING

SENATE BILL NO. 5202, by Senators Schoesler, Dozier, Honeyford, Keiser, King and Warnick

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

The bill was read on Third Reading.

### MOTIONS

On motion of Senator Wellman, the rules were suspended and Engrossed Senate Bill No. 5202 was returned to second reading for the purpose of amendment.

Senator Wellman moved that the following striking floor amendment no. 925 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.320.330 and 2021 c 332 s 7045 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(e) A depreciation subfund for the school district to reserve funds for future facility and equipment needs. Up to two percent of a school district's general fund may be deposited each fiscal year into the depreciation subfund for the purpose of preventative maintenance or emergency facility needs. The preventative maintenance must be necessary to realize the originally anticipated useful life of a building or facility and include: Exterior painting of facilities; replacement or renovation of roofing, exterior walls, windows, heating, air conditioning and ventilation systems, floor coverings in classrooms and common areas, and electrical and plumbing systems; and renovation of playfields, athletic facilities, and other district real property. No moneys from the depreciation subfund may be used for employee compensation.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned

useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventative maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other

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revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW."

On page 1, line 2 of the title, after "maintenance;" strike the remainder of the title and insert "and amending RCW 28A.320.330."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 925 by Senator Wellman to Senate Bill No. 5202.

The motion by Senator Wellman carried and striking floor amendment no. 925 was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5202.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Liias and Stanford

Excused: Senator Sheldon

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ENGROSSED SENATE BILL NO. 5202, 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.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5148, by Senate Committee on Law & Justice (originally sponsored by Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon and C. Wilson)

Concerning the harassment of election officials.

The bill was read on Third Reading.

Senators Frockt and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5148.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5148, 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 3:19 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, January 13, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

5148-S		5664	
Third Reading .....	9	Other Action.....	1
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5201		Introduction & 1st Reading.....	2
Third Reading .....	5	5821	
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5202		5822	
Other Action.....	7	Introduction & 1st Reading.....	2
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5202-E		5824	
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5241-S2		5825	
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Third Reading Final Passage .....	6	5826	
5245-SE		Introduction & 1st Reading.....	2
Third Reading .....	5	5827	
Third Reading Final Passage .....	6	Introduction & 1st Reading.....	2
5268-SE		5828	
Third Reading .....	5	Introduction & 1st Reading.....	2
Third Reading Final Passage .....	5	5829	
5312		Introduction & 1st Reading.....	2
Third Reading .....	6	5830	
Third Reading Final Passage .....	6, 7	Introduction & 1st Reading.....	2
5354		5831	
Third Reading .....	5	Introduction & 1st Reading.....	2
Third Reading Final Passage .....	5	5832	
5376-S		Introduction & 1st Reading.....	2
Third Reading .....	6	5833	
Third Reading Final Passage .....	6	Introduction & 1st Reading.....	2
5441-S2E		5834	
Third Reading Final Passage .....	7	Introduction & 1st Reading.....	2
5441-SE		5835	
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Second Reading .....	7	5836	
Third Reading .....	7	Introduction & 1st Reading.....	2
5596		5837	
Other Action.....	1	Introduction & 1st Reading.....	3
5638		5838	
Other Action.....	1	Introduction & 1st Reading.....	3
5644		5839	
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5645		5840	
Other Action.....	1	Introduction & 1st Reading.....	3
5653		5841	
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5655		5842	
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8212  
 Introduction & 1st Reading..... 3

8633  
 Adopted..... 4  
 Introduced ..... 3

9190 Indapure, Rituja  
 Confirmed ..... 4

9195 Merriweather, Michelle  
 Confirmed ..... 4

CHAPLAIN OF THE DAY

Spencer, Mr. Jeffery, Reverend, Oak Harbor  
 Lutheran Church ..... 1

FLAG BEARERS  
 Washington State Patrol Honor Guard ..... 1

GUESTS  
 Laing, Miss Jessica, Pledge of Allegiance.... 1  
 Lee, Miss Morgan, Pledge of Allegiance..... 1

PRESIDENT OF THE SENATE  
 Remarks by the President..... 4

Draft