

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 8, 2023

March 6, 2023

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Miles Yost and Mr. Jack Fisher, presented the Colors. Page Miss Sophie Tanaka led the Senate in the Pledge of Allegiance. Miss Violet Madson performed the National Anthem. Miss Madson was a guest of Senator Hawkins.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced family and friends of Miss Violet Madson: Mr. Brant Madson, Mr. & Mrs. Dan and Cindy Titterness, and Mr. Oscar Lavergne, who were seated in the gallery.

The prayer was offered by Pastor Marlando Jordan of Sozo Church, Kennewick. Pastor Jordan was a guest of Senator Boehnke.

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 fourth order of business.

MESSAGES FROM THE HOUSE

March 7, 2023

MR. PRESIDENT:
The House has passed:

- HOUSE BILL NO. 1004,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019,
 - HOUSE BILL NO. 1023,
 - HOUSE BILL NO. 1052,
 - SUBSTITUTE HOUSE BILL NO. 1084,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1151,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1168,
 - HOUSE BILL NO. 1197,
 - ENGROSSED HOUSE BILL NO. 1209,
 - SUBSTITUTE HOUSE BILL NO. 1275,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,
 - HOUSE BILL NO. 1455,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541,
 - SUBSTITUTE HOUSE BILL NO. 1682,
 - HOUSE BILL NO. 1684,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715,
 - SUBSTITUTE HOUSE BILL NO. 1764,
 - SUBSTITUTE HOUSE BILL NO. 1779,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1789,
 - SUBSTITUTE HOUSE BILL NO. 1833,
- and the same are herewith transmitted.
MELISSA PALMER, Deputy Chief Clerk

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

2SHB 1028 by House Committee on Appropriations (originally sponsored by Orwall, Mosbrucker, Ryu, Simmons, Goodman, Reed, Lekanoff, Pollet, Callan, Doglio, Macri, Caldier, Reeves, Wylie, Gregerson, Davis, Ormsby and Fosse)

AN ACT Relating to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system; amending RCW 43.101.272, 43.101.276, 43.101.278, and 9A.04.080; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 70.02 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

HB 1055 by Representatives Stokesbary, Ormsby, Leavitt, Simmons, Goodman, Lekanoff, Rule, Robertson, Bronoske, Bergquist and Davis

AN ACT Relating to public safety employees' retirement plan membership for public safety telecommunicators; amending RCW 41.37.005 and 41.37.010; adding a new section to chapter 41.37 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 1105 by House Committee on State Government & Tribal Relations (originally sponsored by Kloba, Abbarno and Thai)

AN ACT Relating to requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted; and adding a new section to chapter 42.30 RCW.

Referred to Committee on State Government & Elections.

E2SHB 1110 by House Committee on Appropriations (originally sponsored by Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse and Ormsby)

AN ACT Relating to creating more homes for Washington by increasing middle housing in areas traditionally dedicated to single-family detached housing; amending RCW 36.70A.030, 36.70A.280, 43.21C.495, and 43.21C.229; adding new sections to chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.38 RCW; adding new sections to chapter 64.90 RCW; and creating new sections.

Referred to Committee on Housing.

E2SHB 1134 by House Committee on Appropriations (originally sponsored by Orwall, Bronoske, Peterson, Berry, Ramel, Leavitt, Callan, Doglio, Macri, Caldier, Simmons, Timmons, Reeves, Chopp, Lekanoff, Gregerson, Thai, Paul, Wylie, Stonier, Davis, Kloba, Riccelli, Fosse and Farivar)

AN ACT Relating to implementing the 988 behavioral health crisis response and suicide prevention system; amending RCW 71.24.890, 71.24.892, 71.24.896, and 82.86.050; reenacting and amending RCW 71.24.025, 71.24.037, and 43.70.442; adding new sections to chapter 71.24 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 38.60 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1163 by House Committee on Finance (originally sponsored by Fey)

AN ACT Relating to exempting certain leasehold interests in arenas with a seating capacity of more than 2,000 from the leasehold excise tax; amending RCW 82.29A.130 and 82.29A.130; creating a new section; providing effective dates; and providing an expiration date.

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

ESHB 1187 by House Committee on Civil Rights & Judiciary (originally sponsored by Hackney, Berry, Bateman, Ramel, Doglio, Simmons, Lekanoff, Bronoske, Wylie, Stonier, Pollet and Ormsby)

AN ACT Relating to privileged communication between employees and the unions that represent them; reenacting and amending RCW 5.60.060; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.36 RCW; adding a new section to chapter 53.18 RCW; and creating a new section.

Referred to Committee on Law & Justice.

2SHB 1205 by House Committee on Appropriations (originally sponsored by Taylor, Reed and Senn)

AN ACT Relating to responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases; amending RCW 13.34.080; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SHB 1255 by House Committee on Health Care & Wellness (originally sponsored by Simmons, Harris, Peterson, Reed, Riccelli, Macri, Bateman and Doglio)

AN ACT Relating to reducing stigma and incentivizing health care professionals licensed by the Washington state nursing care quality assurance commission to participate in a substance use disorder monitoring and treatment program; and adding a new section to chapter 18.79 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1265 by Representatives Ramos, Goehner, Chapman, Robertson, Kloba, Chambers, Slatter, Callan, Donaghy, Ryu, Reeves, Chopp, Senn, Reed, Couture, Simmons, Fey, Jacobsen, Macri, Peterson, Ramel and Pollet

AN ACT Relating to establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit; amending RCW 84.36.042 and 84.36.805; reenacting and amending RCW 84.36.805; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services.

SHB 1268 by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Goodman, Simmons, Walen and Eslick)

AN ACT Relating to sentencing enhancements; amending RCW 9.94A.030, 9.94A.599, 9.94A.729, 10.01.210, and 72.01.410; reenacting and amending RCW 9.94A.533; and repealing RCW 9.94A.833 and 69.50.435.

Referred to Committee on Law & Justice.

ESHB 1311 by House Committee on Consumer Protection & Business (originally sponsored by Reeves, Corry, Chapman, Reed and Cheney)

AN ACT Relating to credit repair services performed by a credit services organization; amending RCW 19.134.010, 19.134.020, 19.134.040, 19.134.050, 19.134.060, 19.134.070, and 19.134.080; and creating new sections.

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

EHB 1324 by Representatives Hackney, Senn, Simmons, Reed, Lekanoff, Doglio, Pollet and Macri

AN ACT Relating to the scoring of prior juvenile offenses in sentencing range calculations; amending RCW 9.94A.525; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SHB 1378 by House Committee on Agriculture and Natural Resources (originally sponsored by Reeves, Dent, Berry, Ramel, Gregerson and Leavitt)

AN ACT Relating to derelict aquatic structures; and adding a new chapter to Title 79 RCW.

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

ESHB 1508 by House Committee on Appropriations (originally sponsored by Macri, Riccelli, Simmons,

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

Fitzgibbon, Berry, Alvarado, Bateman, Ormsby, Doglio, Reed, Callan, Stonier, Tharinger and Bergquist)

AN ACT Relating to improving consumer affordability through the health care cost transparency board; amending RCW 70.390.020, 70.390.040, 70.390.050, 70.390.070, 43.71C.030, and 70.405.030; adding new sections to chapter 70.390 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

HB 1527 by Representatives Wylie, Sandlin, Duerr, Barnard, Connors, Chapman, Waters, Springer, Harris and Gregerson

AN ACT Relating to making technical corrections to the local tax increment financing program under chapter 39.114 RCW by applying the definition of real property to ensure private investments made on state and local government-owned land are included in the increment value, ensuring that the relocation and construction of a government-owned facility is included as an eligible project, ensuring that acquisition costs include appurtenant rights, providing clarification to definitions of increment value and tax allocation base value for consistency with current law, clarifying notice requirements for the creation of a tax increment area, and creating consistency with current law for add-on levies codified in RCW 84.55.010; amending RCW 39.114.010, 39.114.020, 39.114.040, 39.114.050, 84.55.015, 84.55.020, and 84.55.030; and declaring an emergency.

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

HB 1530 by Representatives Cortes, Mena, Simmons, Ryu, Davis and Fosse

AN ACT Relating to expanding eligibility for employment to lawful permanent residents for positions with general authority Washington law enforcement agencies, limited authority Washington law enforcement agencies, and prosecuting attorney offices; amending RCW 36.27.040; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Law & Justice.

ESHB 1533 by House Committee on State Government & Tribal Relations (originally sponsored by Mena, Davis, Reed, Doglio, Fosse, Berg, Taylor, Ryu, Peterson, Berry, Walen, Alvarado, Ramel, Simmons, Griffey, Morgan, Gregerson, Shavers, Ormsby, Pollet, Fey, Kloba, Bateman and Macri)

AN ACT Relating to exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking; amending RCW 42.56.250; and declaring an emergency.

Referred to Committee on State Government & Elections.

2SHB 1550 by House Committee on Appropriations (originally sponsored by Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse and Doglio)

AN ACT Relating to assisting eligible children in need of additional preparation to be successful in kindergarten by

replacing transitional kindergarten with a legislatively established and authorized transition to kindergarten program; amending RCW 28A.225.160, 43.216.085, and 43.216.655; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 43.216 RCW; creating new sections; and providing an expiration date.

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

ESHB 1554 by House Committee on Environment & Energy (originally sponsored by Doglio, Pollet, Fitzgibbon, Berry, Ramel, Orwall, Ryu, Fosse, Kloba, Macri and Duerr)

AN ACT Relating to reducing public health and environmental impacts from lead; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70A.15 RCW; adding a new chapter to Title 70A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

2SHB 1578 by House Committee on Appropriations (originally sponsored by Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet and Kloba)

AN ACT Relating to improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface; adding a new section to chapter 76.04 RCW; and creating new sections.

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

ESHB 1589 by House Committee on Environment & Energy (originally sponsored by Doglio, Fitzgibbon, Berry, Alvarado, Bateman, Ramel, Peterson, Lekanoff, Hackney, Macri and Kloba)

AN ACT Relating to supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future; amending RCW 80.28.010; adding a new chapter to Title 80 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

2SHB 1639 by House Committee on Appropriations (originally sponsored by Lekanoff, Ramel, Gregerson and Santos)

AN ACT Relating to the Billy Frank Jr. national statutory hall selection committee; amending RCW 1.16.050; amending 2021 c 20 s 3 (uncodified); reenacting and amending RCW 43.79A.040; adding a new section to chapter 42.52 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

EHB 1663 by Representatives Goehner and Steele

AN ACT Relating to allowing port districts that have been functionally consolidated to adopt a unified levy; and adding a new section to chapter 53.08 RCW.

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

HB 1712 by Representatives Schmick and Chapman

AN ACT Relating to protecting workers displaced as a result of finfish aquaculture facility closures; and amending RCW 50.04.075.

Referred to Committee on Labor & Commerce.

ESHB 1744 by House Committee on Education (originally sponsored by Rude, Santos, Schmidt and Pollet)

AN ACT Relating to clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students; amending RCW 28A.710.030, 28A.710.040, 28A.710.070, 28A.710.100, 28A.710.120, 28A.710.140, 28A.710.180, and 28A.710.190; adding a new section to chapter 28A.710 RCW; and creating a new section.

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

2SHB 1745 by House Committee on Appropriations (originally sponsored by Thai, Duerr, Doglio, Ormsby and Macri)

AN ACT Relating to improving diversity in clinical trials; amending RCW 43.348.040; reenacting and amending RCW 43.348.010; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 70.41 RCW; adding a new chapter to Title 69 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

2SHB 1762 by House Committee on Appropriations (originally sponsored by Doglio, Berry, Ramel, Fosse, Reed, Alvarado, Peterson and Pollet)

AN ACT Relating to protecting employees of warehouses; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Commerce.

HB 1763 by Representatives Eslick, Leavitt, Senn, Callan, Schmidt and Pollet

AN ACT Relating to ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations; and amending RCW 28B.115.120.

Referred to Committee on Higher Education & Workforce Development.

HB 1824 by Representatives Eslick, Chapman and Volz

AN ACT Relating to authorizing bona fide charitable or nonprofit organizations to conduct shooting sports and activities sweepstakes; and adding a new section to chapter 9.46 RCW.

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

SHJM 4001 by House Committee on Transportation (originally sponsored by Orcutt, Walsh, McEntire, Abbarno, Christian and McClintock)

Requesting the transportation commission to designate a section of Interstate 5 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway. Revised for 1st Substitute: Requesting the transportation commission to designate a section of state route number 411 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway.

Referred to Committee on Transportation.

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 seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Stanford moved that Judith Giniger, Senate Gubernatorial Appointment No. 9101, be confirmed as a member of the Lottery Commission.

Senators Stanford and Dozier spoke in favor of passage of the motion.

MOTION

On motion of Senator Nobles, Senator Salomon was excused.

MOTION

On motion of Senator Wagoner, Senator Schoesler was excused.

APPOINTMENT OF JUDITH GINIGER

The President declared the question before the Senate to be the confirmation of Judith Giniger, Senate Gubernatorial Appointment No. 9101, as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Judith Giniger, Senate Gubernatorial Appointment No. 9101, as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

Judith Giniger, Senate Gubernatorial Appointment No. 9101, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

Senator Cleveland moved that Kenneth W. Kenyon, Jr., Senate Gubernatorial Appointment No. 9112, be confirmed as a member of the Pharmacy Quality Assurance Commission.

Senator Cleveland spoke in favor of the motion.

APPOINTMENT OF KENNETH W. KENYON, JR.

The President declared the question before the Senate to be the confirmation of Kenneth W. Kenyon, Jr., Senate Gubernatorial Appointment No. 9112, as a member of the Pharmacy Quality Assurance Commission.

The Secretary called the roll on the confirmation of Kenneth W. Kenyon, Jr., Senate Gubernatorial Appointment No. 9112, as a member of the Pharmacy Quality Assurance Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

Kenneth W. Kenyon, Jr., Senate Gubernatorial Appointment No. 9112, having received the constitutional majority was declared confirmed as a member of the Pharmacy Quality Assurance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Hoang Uyen R. Thorstensen, Senate Gubernatorial Appointment No. 9121, be confirmed as a member of the Pharmacy Quality Assurance Commission.

Senator Cleveland spoke in favor of the motion.

MOTION

On motion of Senator Wagoner, Senator Fortunato was excused.

APPOINTMENT OF HOANG UYEN R. THORSTENSEN

The President declared the question before the Senate to be the confirmation of Hoang Uyen R. Thorstensen, Senate Gubernatorial Appointment No. 9121, as a member of the Pharmacy Quality Assurance Commission.

The Secretary called the roll on the confirmation of Hoang Uyen R. Thorstensen, Senate Gubernatorial Appointment No. 9121, as a member of the Pharmacy Quality Assurance 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, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez,

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

Excused: Senators Fortunato and Salomon

Hoang Uyen R. Thorstensen, Senate Gubernatorial Appointment No. 9121, having received the constitutional majority was declared confirmed as a member of the Pharmacy Quality Assurance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Trudeau moved that Norrie Gregoire, Senate Gubernatorial Appointment No. 9271, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Trudeau and Dozier spoke in favor of passage of the motion.

APPOINTMENT OF NORRIE GREGOIRE

The President declared the question before the Senate to be the confirmation of Norrie Gregoire, Senate Gubernatorial Appointment No. 9271, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Norrie Gregoire, Senate Gubernatorial Appointment No. 9271, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

Norrie Gregoire, Senate Gubernatorial Appointment No. 9271, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTIONS

On motion of Senator Pedersen and without objection, pursuant to Rule 18, Senate Bill No. 5600 was made a special order of business to be considered at 4:55 p.m.

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

SECOND READING

SENATE BILL NO. 5304, by Senators Saldaña, Nguyen, Nobles, Valdez and Wilson, C.

Testing individuals who provide language access to state services.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 5304

was substituted for Senate Bill No. 5304 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and Boehnke 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. 5304.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5304 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

SUBSTITUTE SENATE BILL NO. 5304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5175, by Senators Wellman, Mullet, Hunt and Wilson, C.

Concerning written contracts between school boards and principals.

The measure was read the second time.

MOTION

Senator Hawkins moved that the following floor amendment no. 0165 by Senator Hawkins be adopted:

On page 2, line 8, after "years." insert "A written contract made by a board with a principal under (a) of this subsection for a term of three years may not be renewed before the final year of the contract."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0165 by Senator Hawkins on page 2, line 8 to Senate Bill No. 5175.

The motion by Senator Hawkins carried and floor amendment no. 0165 was adopted by voice vote.

MOTION

Senator McCune moved that the following floor amendment no. 0170 by Senator McCune be adopted:

On page 2, line 8, after "years" insert "and is contingent upon

the successful completion of an updated record check under RCW 28A.400.303"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0170 by Senator McCune on page 2, line 8 to Senate Bill No. 5175.

The motion by Senator McCune carried and floor amendment no. 0170 was adopted by voice vote.

MOTION

Senator McCune moved that the following striking floor amendment no. 0172 by Senator McCune be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall convene a work group by September 1, 2023, to research, study, and report on contract length-related employment issues with respect to the employment of principals and assistant principals in Washington state.

(2) The work group, at a minimum, must include representatives of school districts, persons with relevant experience in principal-related employment issues, and an association representing school principals in Washington state.

(3) Staff support for the work group must be provided by the office of the superintendent of public instruction.

(4) The work group must meet at least four times and, in accordance with RCW 43.01.036, provide a report of findings and recommendations to the education committees of the legislature by June 30, 2024.

(5) This section expires August 31, 2024."

On page 1, line 2 of the title, after "principals;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

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

Senator Wellman spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0172 by Senator McCune to Senate Bill No. 5172.

The motion by Senator McCune did not carry and striking floor amendment no. 0172 was not adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Senate Bill No. 5175 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.

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5175.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

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

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

Excused: Senator Salomon

ENGROSSED SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5048, by Senators Mullet, Rolfes, Billig, Hasegawa, Hawkins, Holy, Lias, Nguyen, Pedersen, Valdez, Wagoner, Warnick, Wellman and Wilson, C.

Eliminating college in the high school fees.

MOTIONS

On motion of Senator Mullet, Second Substitute Senate Bill No. 5048 was substituted for Senate Bill No. 5048 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Second Substitute Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Holy, Wellman, Hawkins 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. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

SECOND SUBSTITUTE SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5491, by Senators Salomon, Shewmake, Frame, Lias and Stanford

Allowing for residential buildings of a certain height to be served by a single exit under certain conditions.

MOTIONS

On motion of Senator Lovelett, Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Torres 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. 5491.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Van De Wege and Wilson, L.

Excused: Senator Salomon

SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5580, by Senators Muzzall, Cleveland, Braun, Rivers, Warnick, Hasegawa, Kuderer, Lovelett, Randall, Shewmake and Wilson, J.

Improving maternal health outcomes.

MOTIONS

On motion of Senator Muzzall, Second Substitute Senate Bill No. 5580 was substituted for Senate Bill No. 5580 and the substitute bill was placed on the second reading and read the second time.

Senator Muzzall moved that the following floor amendment no. 0179 by Senator Muzzall be adopted:

On page 3, at the beginning of line 1, strike "The" and insert "By November 1, 2023, the"

Senators Muzzall and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0179 by Senator Muzzall on page 3, line 1 to Substitute Senate Bill No. 5580.

The motion by Senator Muzzall carried and floor amendment no. 0179 was adopted by voice vote.

On motion of Senator Muzzall, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Muzzall and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5580.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Salomon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5274, by Senators Valdez, Dhingra, Keiser, Kuderer, Lias, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.

Expanding eligibility in certain public employment positions for lawful permanent residents.

The measure was read the second time.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 0201 by Senator Wilson, J. be adopted:

On page 1, line 12, after "agency." insert "Preference shall be given to bilingual or trilingual applicants."

On page 2, line 3, after "resident" insert "Preference shall be given to bilingual or trilingual applicants"

On page 2, line 35, after "resident" strike "~~((who can read and write the English language))~~." and insert "who can read and write the English language. Preference shall be given to bilingual or trilingual applicants."

On page 3, line 7, after "resident" strike "~~((who can read and write the English language))~~." and insert "who can read and write the English language. Preference shall be given to bilingual or trilingual applicants."

On page 3, line 24, after "resident" strike "~~((who can read and write the English language))~~." and insert "who can read and write the English language. Preference shall be given to bilingual or trilingual applicants."

On page 4, line 3, after "resident" strike "~~((who can read and~~

~~write the English language))~~." and insert "who can read and write the English language. Preference shall be given to bilingual or trilingual applicants."

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

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0201 by Senator Wilson, J. on page 1, line 12 to Senate Bill No. 5274.

The motion by Senator Wilson, J. did not carry, and floor amendment no. 0201 was not adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Students from East Olympia Elementary School who were seated in the gallery. The students were guests of Senator MacEwen.

MOTION

On motion of Senator Valdez, the rules were suspended, Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Valdez spoke in favor of passage of the bill.

Senator Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

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

Excused: Senator Salomon

SENATE BILL NO. 5274, 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.

PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President. That was some incredible foresight that you had, that I was about to stand up for a point of personal privilege. So, thank you for that. I, Mr. President, would like, am standing actually to invite you to say a few words of a point of personal privilege. And I know you are shy about speaking in front of the body, but I want to encourage you to. It's significant moment for our state and the city of Spokane and for the 3rd Legislative District, and for fans of Gonzaga University men's basketball team winning the West Coast Conference title. But please, I yield my time to you sir."

REMARKS BY THE PRESIDENT

President Heck: "Thank you Senator Billig. America's Team,

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

the 9th ranked team in the United States, crushed their conference rivals to win the tournament championship last night. On to the big dance. That is all.”

to serve here in the Senate representing the 49th Legislative District I do know that there are many more firsts to be accomplished and I look forward to working with each one, each and every one of my colleagues in this body to continue that work. So, I am pleased to stand together today as mothers, as fathers, as sisters, as brothers, as uncles, as aunts, as grandmothers and grandfathers in celebration of all the social, economic and cultural and political achievements of women today. Happy International Women’s Day.”

SECOND READING

SENATE BILL NO. 5672, by Senators Wilson, L., Rolfes, Conway, Dozier, Gildon, Kuderer and Nobles

Concerning the Washington auto theft prevention authority account.

PERSONAL PRIVILEGE

MOTIONS

Senator Keiser: “It was 5 years ago today that the gentlelady from the 49th District and I were able to get our state’s equal pay act passed into law. It was a long road. And we are still not at the end of it. We are still working on it. And we are going to get there. So, I hope we all join together and celebrate our goals and our achievements.”

On motion of Senator Wilson, L., Substitute Senate Bill No. 5672 was substituted for Senate Bill No. 5672 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, L., the rules were suspended, Substitute Senate Bill No. 5672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

Senators Wilson, L., Rolfes, Rivers, Padden, Muzzall, Billig and Wilson, J. spoke in favor of passage of the bill.

At 10:48 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.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5672.

Senator Warnick announced a meeting of the Republican Caucus.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5672 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The Senate was called to order at 11:01 a.m. by President Heck.

MOTION

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

On motion of Senator Pedersen, Senate Bill No. 5352 was placed on the Second Reading Calendar.

SECOND READING

Excused: Senator Salomon

SENATE BILL NO. 5504, by Senators Saldaña, Liias, Valdez and Wilson, C.

Addressing open motor vehicle safety recalls.

SUBSTITUTE SENATE BILL NO. 5672, 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.

MOTIONS

PERSONAL PRIVILEGE

On motion of Senator Saldaña, Substitute Senate Bill No. 5504 was substituted for Senate Bill No. 5504 and the substitute bill was placed on the second reading and read the second time.

Senator Cleveland: “Thank you Mr. President. Today is International Women’s Day and I think that it is as important as ever that we pause for just a moment to recognize the progress that’s been made over the past 114 years since the first observance of this day. And yet, also need to remind ourselves that there is more work to be done. A recent report by the United Nations actually indicates that gender equality is actually growing more distant in our world and in fact currently we aren’t on track, Mr. President, to achieve world-wide gender equality for 300 more years. 300 more years Mr. President, so we must continue to do our part, continue our efforts to ensure that there is access to education, to equal pay equal opportunities, and we must continue to promote equity and participation in leadership in science and technology. From governments to board rooms and classrooms we must continue to create a safe digital environment for women and girls as well. Mr. President I will say that as the first woman

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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 Substitute Senate Bill No. 5504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5504 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5634, by Senators Conway, Keiser, Hasegawa, Nguyen, Nobles and Stanford

Concerning problem gambling.

MOTIONS

On motion of Senator Conway, Second Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on the second reading and read the second time.

Senator Conway moved that the following floor amendment no. 0187 by Senator Conway be adopted:

On page 2, line 21, after "(a)" strike "the prevention and" and insert "~~((the prevention and))~~ year-round integrated problem gambling prevention efforts that include community engagement and the"

On page 3, line 2, after "disorder;" strike "and"

On page 3, line 4, after "treatment" insert "; and
(c) Be unable to afford treatment"

Senator Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0187 by Senator Conway on page 2, line 21 to Second Substitute Senate Bill No. 5634.

The motion by Senator Conway carried and floor amendment no. 0187 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5634.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

and Wilson, C.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5352, by Senators Lovick, MacEwen, Cleveland, Conway, Gildon, Holy, Hunt, Mullet, Rolfes, Salomon, Short, Torres, Van De Wege, Warnick and Wilson, L.

Concerning vehicular pursuits.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following striking floor amendment no. 0215 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to read as follows:

(1) A peace officer may not engage in a vehicular pursuit, unless:

(a)~~((†))~~ There is ~~((probable cause))~~ reasonable suspicion to believe that a person in the vehicle has committed or is committing ~~((a))~~:

(i) A violent offense ((†)) as defined in RCW 9.94A.030;

(ii) A sex offense as defined in RCW 9.94A.030((† or an));

(iii) A vehicular assault offense under RCW 46.61.522;

(iv) An assault in the first, second, third, or fourth degree offense under chapter 9A.36 RCW only if the assault involves domestic violence as defined in RCW 10.99.020;

(v) An escape under chapter 9A.76 RCW; or

~~((ii) There is reasonable suspicion a person in the vehicle has committed or is committing a))~~ (vi) A driving under the influence offense under RCW 46.61.502;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses ~~((an imminent threat to the safety of))~~ a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d)(i) Except as provided in (d)(ii) of this subsection, the ~~((officer has received authorization to engage in the pursuit from))~~ pursuing officer notifies a supervising officer ~~((and))~~ immediately upon initiating the vehicular pursuit; there is supervisory ~~((control))~~ oversight of the pursuit~~((The))~~; and the pursuing officer, in consultation with the supervising officer ((must consider)), considers alternatives to the vehicular pursuit~~((The supervisor must consider))~~; the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle~~((, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met))~~;

(ii) For those jurisdictions with fewer than 10 commissioned

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

officers, if a supervisor is not on duty at the time, the pursuing officer (~~(will request)~~) requests the on-call supervisor be notified of the pursuit according to the agency's procedures (~~(The)~~), and the pursuing officer (~~(must consider)~~) considers alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. (~~The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.~~)

(2) (~~A pursuing~~) In any vehicular pursuit under this section:

(a) The pursuing officer and the supervising officer, if applicable, shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit (~~(and comply)~~);

(b) The supervising officer, the pursuing officer, or dispatcher shall notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit, and the pursuing officer and the supervising officer, if applicable, shall comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable;

(c) The pursuing officer must be able to directly communicate with other officers engaging in the pursuit, the supervising officer, if applicable, and the dispatch agency, such as being on a common radio channel or having other direct means of communication;

(d) As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, if applicable, or responsible agency shall develop a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of spike strips or other tire deflation devices, or other department authorized pursuit intervention tactics; and

(e) The pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years, where applicable, and must be certified in at least one pursuit intervention option.

(3) A vehicle pursuit not meeting the requirements under this section must be terminated.

~~((3))~~ (4) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

~~((4))~~ (5) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "Relating to" strike the

remainder of the title and insert "permitting peace officers to engage in a vehicular pursuit only when there is reasonable suspicion to believe that a person in the vehicle has committed or is committing a violent offense as defined in RCW 9.94A.030, a sex offense under RCW 9.94A.030, a vehicular assault offense under RCW 46.61.522, an assault in the first, second, third, or fourth degree offense under chapter 9A.36 RCW only if the assault involves domestic violence as defined in RCW 10.99.020, an escape under chapter 9A.76 RCW, or a driving under the influence offense under RCW 46.61.502, and imposing training requirements on pursuing officers, and modifying safety and supervision requirements on vehicular pursuits; amending RCW 10.116.060; and declaring an emergency."

MOTION

Senator Gildon moved that the following floor amendment no. 0218 by Senator Gildon be adopted:

On page 1, beginning on line 16, after "RCW;" strike all material through "~~((ii))~~" on line 17 and insert "~~((i))~~"

On page 1, line 19, after "RCW 46.61.502;" insert "or (vii) A reckless driving offense as defined in RCW 46.61.500;"

On page 4, line 6, after "RCW," strike "or a driving under the influence offense under RCW 46.61.502" and insert "a driving under the influence offense under RCW 46.61.502, or a reckless driving offense under RCW 46.61.500"

Senators Gildon, Short, MacEwen, Padden, Muzzall, Wagoner, Braun, Wilson, J., Dozier, Holy and McCune spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gildon on page 1, line 16 to Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Gildon and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

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

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

MOTION

Senator Padden moved that the following floor amendment no. 0219 by Senator Padden be adopted:

On page 1, beginning on line 16, after "RCW;" strike all material through "~~((ii))~~" on line 17 and insert "~~((~~
~~((ii))~~"

On page 1, line 19, after "RCW 46.61.502;" insert "or (vii) A theft of a motor vehicle offense as defined in RCW 9A.56.065:"

On page 4, line 6, after "RCW," strike "or a driving under the influence offense under RCW 46.61.502" and insert "a driving under the influence offense under RCW 46.61.502, or a theft of a motor vehicle offense under RCW 9A.56.065"

Senators Padden, Short, Wilson, L., Gildon, Fortunato, Wilson, J. and MacEwen spoke in favor of adoption of the amendment to the striking amendment.

Senators Dhingra and Trudeau spoke against adoption of the amendment to the striking amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 1, line 16 to Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

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

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

MOTION

Senator Short moved that the following floor amendment no. 0220 by Senator Short be adopted:

On page 1, beginning on line 16, after "RCW;" strike all material through "~~((ii))~~" on line 17 and insert "~~((~~
~~((ii))~~"

On page 1, line 19, after "RCW 46.61.502;" insert "or (vii) Any offense that involves an act that is reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, constrain, or restrain the person's movement:"

On page 4, line 6, after "RCW," strike all material through RCW 46.61.502 and insert "a driving under the influence offense under RCW 46.61.502, and any offense that involves an act that is reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, constrain, or restrain the person's movement"

Senator Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 1, line 16 to Engrossed Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

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

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

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

Senator Padden spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0215 by Senator Dhingra to Senate Bill No. 5352.

The motion by Senator Dhingra carried and striking floor amendment no. 0215 was adopted by voice vote.

MOTION

On motion of Senator Lovick, the rules were suspended, Engrossed Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovick, Rivers, Mullet and Hawkins spoke in favor of passage of the bill.

Senators Wagoner, Trudeau, Dozier, Nobles and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Fortunato, Gildon, Hawkins, Holy, Kauffman, Keiser, King, Liias, Lovick, MacEwen, Mullet, Muzzall, Randall, Rivers, Robinson, Rolfes, Salomon, Shewmake, Torres, Van De Wege, Wellman and Wilson, J.

Voting nay: Senators Boehnke, Braun, Dozier, Frame, Hasegawa, Hunt, Kuderer, Lovelett, McCune, Nguyen, Nobles, Padden, Pedersen, Saldaña, Schoesler, Short, Stanford, Trudeau, Valdez, Wagoner, Warnick, Wilson, C. and Wilson, L.

ENGROSSED SENATE BILL NO. 5352, having received the

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5448, by Senators MacEwen, Mullet, Nguyen and Shewmake

Concerning liquor licensee privileges for the delivery of alcohol.

MOTIONS

On motion of Senator MacEwen, Substitute Senate Bill No. 5448 was substituted for Senate Bill No. 5448 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator MacEwen, the rules were suspended, Substitute Senate Bill No. 5448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators MacEwen, Keiser, Mullet and Rivers spoke in favor of passage of the bill.

Senators Stanford and Liias spoke against passage of the bill.

MOTION

On motion of Senator Nobles, Senator Trudeau was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5448.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5448 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Dhingra, Dozier, Fortunato, Frame, Gildon, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Salomon, Schoesler, Shewmake, Short, Torres, Wagoner, Warnick, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Hasegawa, Kauffman, Liias, Nobles, Saldaña, Stanford, Valdez, Van De Wege and Wellman

Excused: Senator Trudeau

SUBSTITUTE SENATE BILL NO. 5448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5032, by Senators Padden, Lovick, Conway, Dhingra, Kuderer, Liias, Wagoner and Wilson, L.

Extending the felony driving under the influence lookback to 15 years while providing additional treatment options through the creation of a drug offender sentencing alternative for driving under the influence.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Dhingra 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. 5032.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5032 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, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Saldaña

SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5487, by Senator King

Concerning parking at rest areas.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Liias, Randall and Boehnke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5487.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5487 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5269, by Senators Shewmake, Keiser, Nguyen, Randall, Valdez and Wellman

Concerning Washington state manufacturing.

MOTIONS

On motion of Senator Shewmake, Second Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shewmake, the rules were suspended, Second Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shewmake spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 1; Excused, 0.

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

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

Absent: Senator Mullet

SECOND SUBSTITUTE SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5528, by Senator Stanford

Concerning the retainage percentage withheld by prime contractors.

MOTIONS

On motion of Senator Stanford, Substitute Senate Bill No. 5528 was substituted for Senate Bill No. 5528 and the substitute bill was placed on the second reading and read the second time. Revised for 1st Substitute: Concerning retainage requirements for private construction projects.

Senator Stanford moved that the following floor amendment no. 0205 by Senator Stanford be adopted:

On page 2, line 3, after "contract" insert "or subcontract"

On page 2, line 7, after "period." insert "A contractor may provide notice under this subsection to an owner or upper-tier contractor for release of retainage due to a subcontractor whose work is complete. If an owner or upper-tier contractor does not

accept the subcontractor's work or does not notify the contractor of work yet to be performed by the subcontractor within 15 days after receiving the notice, the interest required under this section shall commence 30 days after the end of the 15-day period. A contractor's obligation to pay interest to a subcontractor under this section does not begin until the contractor has received payment for the subcontractor's retainage provided that the contractor has submitted the subcontractor's retainage request to the owner or upper-tier contractor within 30 days after receipt from the subcontractor."

On page 2, beginning on line 10, strike all of section 2

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

On page 3, line 17, after "sections 1" strike "through 3" and insert "and 2"

Senator Stanford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0205 by Senator Stanford on page 2, line 3 to Substitute Senate Bill No. 5528.

The motion by Senator Stanford carried and floor amendment no. 0205 was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5084, by Senators Braun, Keiser and Mullet

Creating a separate fund for the purposes of self-insured pensions and assessments.

The measure was read the second time.

MOTION

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Keiser 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. 5084.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Hasegawa and Kauffman

SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5546, by Senators Shewmake, Lovick, Keiser, King, Stanford, Conway and Wilson, C.

Establishing a Washington state cannabis commission.

MOTIONS

On motion of Senator Shewmake, Substitute Senate Bill No. 5546 was substituted for Senate Bill No. 5546 and the substitute bill was placed on the second reading and read the second time.

Senator Schoesler moved that the following striking floor amendment no. 0196 by Senator Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the Washington state liquor and cannabis board exists to promote safe communities and public safety, and that there is no state entity to oversee research and education of the state's cannabis industry.

(2) The legislature therefore declares:

(a) The Washington state cannabis commission is established to benefit the people of the state of Washington and its economy;

(b) The general welfare of the people of the state will be served by the research and development of best practices surrounding safe cultivation and processing activities of cannabis so the industry is therefore affected with the public interest; and

(c) Creating a Washington state cannabis commission for the public purpose of administering the revenue of the commission serves the public interest by materially advancing the producing and processing of cannabis and improving sustainability in the cannabis producing and processing sectors.

(3) To complement the development of a comprehensive regulatory scheme for the production and processing of cannabis and cannabis products, the legislature further declares that:

(a) It is in the overriding public interest that the state support responsible agricultural production of cannabis in order to:

(i) Protect the public by providing research and education in reference to the quality, care, and methods used in the production of cannabis and cannabis products; and

(ii) Support and engage in programs or activities that benefit the safe production, handling, processing, and uses of cannabis and cannabis products; and

(b) Cannabis production and processing is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulated industry. Other applicable laws include:

(i) Chapter 15.130 RCW, the food safety and security act;

(ii) Chapter 15.125 RCW, cannabis and cannabis products;

(iii) Title 69 RCW, food, drugs, cosmetics, and poisons; and

(iv) Chapter 82.08 RCW, retail sales tax.

(4) This chapter and any rules adopted under this chapter are for the purpose of fostering responsible and orderly agricultural production of cannabis. Nothing in this chapter should be interpreted to conflict with or supersede the overriding regulatory authority the legislature has already granted to other state agencies.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Active cannabis producer" means a cannabis producer who reported gross income that is subject to tax under chapter 82.04 RCW in the calendar year before the date of a referendum under section 3 of this act.

(2) "Active cannabis producer/processor" means a cannabis producer/processor who reported gross income that is subject to tax under chapter 82.04 RCW in the calendar year before the date of a referendum under section 3 of this act.

(3) "Board" means the Washington state liquor and cannabis board.

(4) "Cannabis" has the meaning provided in RCW 69.50.101.

(5) "Cannabis producer" has the meaning provided in RCW 69.50.101.

(6) "Cannabis products" has the meaning provided in RCW 69.50.101.

(7) "Cannabis processor" has the meaning provided in RCW 69.50.101.

(8) "Cannabis producer/processor" means any person or legal entity holding both a cannabis producer license and a cannabis processor license as defined in RCW 69.50.101.

(9) "Cannabis researcher" has the same meaning provided in RCW 69.50.101.

(10) "Cannabis retailer" has the same meaning provided in RCW 69.50.101.

(11) "Commission" means the Washington state cannabis commission established in this chapter.

(12) "Cooperative" means a cannabis cooperative formed by qualifying patients, designated providers, or both, which meets the requirements of RCW 69.51A.250 and rules adopted under that section.

(13) "District" means each of the geographical areas of the state of Washington defined in subsections (14) through (17) of this section.

(14) "District 1" means the geographical area including the counties of Clallum, Island, Jefferson, King, San Juan, Skagit, Snohomish, and Whatcom.

(15) "District 2" means the geographical area including the counties of Chelan, Douglas, Ferry, Grant, Kittitas, Okanogan, Pend Oreille, and Stevens.

(16) "District 3" means the geographical area including the counties of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Lincoln, Spokane, Walla Walla, Whitman, and Yakima.

(17) "District 4" means the geographical area including the counties of Clark, Cowlitz, Grays Harbor, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum.

(18) "Fiscal year" means the 12-month period beginning July 1st of any year and ending June 30th.

(19) "Interested parties" means governmental departments, agencies, and bodies at the federal, state, or local levels. "Interested parties" includes tribal governments, universities, national and international associations, and other public or private sector organizations with an interest in cannabis-related matters.

(20) "Tier" means any of the production licensing categories established by rule of the board.

NEW SECTION. Sec. 3. (1) Upon receipt of a petition containing the signatures of five active cannabis producers or active cannabis producer/processors, to implement this chapter and to determine participation in the commission and assessment under this chapter, the director must conduct a referendum of active cannabis producers and active cannabis producer/processors.

(a) The referendum must be conducted within 60 days of receipt of the petition.

(b) The department must establish a list of active cannabis producers and active cannabis producer/processors eligible to vote in the referendum in collaboration with the board and the department of revenue. Inadvertent failure to notify an active cannabis producer or active cannabis producer/processor does not invalidate a proceeding conducted under this chapter.

(2) The requirements of assent or approval of a referendum under subsection (1) of this section are met if:

(a) At least 51 percent by numbers of the participants in the referendum vote affirmatively; and

(b) At least 40 percent of the active cannabis producers and 40 percent of the active cannabis producer/processors have been represented in the referendum to determine assent or approval of participation and assessment.

(3) If the director determines that the requisite assent has not been given in the referendum conducted under subsection (1) of this section, the director must take no further action to implement or enforce this chapter.

(4) Upon completion of the referendum conducted under subsection (1) of this section, the department must tally the results of the vote and provide the results to participants. The department must create rules for an active cannabis producer or an active cannabis producer/processor to dispute the results of a vote within 60 days from the announced results.

(5) The director is not required to hold a referendum under subsection (1) of this section more than once in any 12-month period.

(6) The director may conduct voting on a referendum under this chapter by electronic means, paper ballots, or both.

NEW SECTION. Sec. 4. Within 60 days of the director determining that requisite assent has been given in a referendum conducted under section 3 of this act, the director must establish the Washington state cannabis commission to:

(1) Plan and conduct programs for cannabis-related matters;

(2) Provide funding for conducting research in accordance with commission rules;

(3) Coordinate with and advise interested parties regarding cannabis-related matters within the scope of the powers and purposes of the commission in accordance with commission rules;

(4) Coordinate with interested parties to standardize methods by which to identify and determine the genetics, strains, cultivars, phenotypes, standards, and grades of cannabis, and advise on cannabis packaging and labeling requirements;

(5) Conduct reviews, surveys, and inquiries regarding market metrics and analytics, including trends, revenues, profitability, projections, production, business practices, and other economic drivers of the cannabis industry;

(6) Inform and advise cannabis producers and cannabis producer/processors on cannabis-related matters, including, without limitation, educational information on cannabis cultivation, usage, risks, and related technical and scientific developments;

(7) Provide cannabis-related education and training to cannabis producers, cannabis producer/processors, cannabis researchers, and their employees, which may include education and training on cannabis health and safety information;

(8) Provide information and services for meeting resource conservation objectives of cannabis producers and cannabis producer/processors;

(9) Assist and cooperate with federal, state, and local government agencies in the investigation and control of pests, diseases, and other factors that could adversely affect the cultivation, quality, and safety of cannabis produced in this state;

(10) Advance the knowledge and practices of cannabis production in this state through research and testing methods to improve pest management, worker protection, safety training, energy efficiency, and environmental protection;

(11) Foster conditions favorable to investment in cannabis produced in this state in accordance with state and federal laws;

(12) Limit youth access and youth exposure to cannabis;

(13) Enable cannabis producers and cannabis producer/processors, in cooperation with the commission, to:

(a) Develop and engage in research, including, without limitation, discovering better and more efficient production, irrigation, odor mitigation, processing, transportation, handling, packaging, and use of cannabis and cannabis products; and

(b) Discover and develop new and improved cultivars to ensure reliable and economical cannabis production in this state;

(14) Establish uniform grading and proper preparation of cannabis products for market;

(15) Protect the interest of consumers and the state by advising on the overall production of cannabis to ensure a balanced and sufficient supply of cannabis and cannabis products of good quality during all seasons and at all times; and

(16) Advance the knowledge and practices of processing cannabis in this state.

NEW SECTION. Sec. 5. (1) The commission must:

(a) Elect a chair and other officers by a majority vote of the commission or in accordance with bylaws adopted by the commission;

(b) Adopt, rescind, and amend bylaws and other internal rules necessary for the administration and operation of the commission and for carrying out its duties in this chapter;

(c) Administer and enforce the provisions of this chapter;

(d) Designate a public records officer, rules coordinator, and other representatives required under laws governing state agencies and commissions;

(e) Comply with all other laws applicable to state agencies and commissions;

(f) Institute and maintain in its own name any legal actions, including actions by injunction, mandatory injunction, civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out this chapter, and to sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred by this chapter; and

(g) Keep accurate records of all receipts and disbursements, which must be open to inspection and audit by the state auditor or its designee at least every five years and at any time by a duly

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

appointed internal auditor by majority vote of the commission.

(2) The commission may:

(a) Employ and discharge, in its discretion, managers, secretaries, agents, attorneys, and employees, and engage the services of independent contractors as the commission deems necessary to fulfill duties, and to fix compensation. However, until assessment collections in section 15 of this act equal at least \$1,000,000, the commission must contract for staff support;

(b) Acquire and transfer personal and real property, establish offices, incur expenses, enter into contracts and cooperative agreements, and create such debt and other liabilities as may be reasonable to fulfill its duties under this chapter;

(c) Make necessary disbursements for routine operating expenses;

(d) Expend funds for all activities permitted under this chapter;

(e) Cooperate with interested parties to fulfill its duties under this chapter;

(f) Serve as a liaison on behalf of the general cannabis producing and processing industries to the board and other interested parties, and not on behalf of any individual cannabis producer or cannabis producer/processor;

(g) Solicit, accept, retain, and expend any gifts, bequests, contributions, or grants from private persons or public agencies to carry out this chapter;

(h) Retain the services of private legal counsel, which is subject to the appointment and approval by the office of the state attorney general;

(i) Engage in appropriate activities and events to support commission activities authorized by this chapter;

(j) Participate in meetings, hearings, and other proceedings regarding cannabis, including, without limitation, the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of cannabis, including activities authorized under RCW 42.17A.635 and the reporting of such activities to the public disclosure commission;

(k) Obtain from the board, a list of the names and addresses of cannabis producers, cannabis processors, cannabis producer/processors, and cannabis retailers, and other available data from the state as requested by the commission relative to its duties under this chapter;

(l) Acquire, create, develop, and own intellectual property rights, licenses, and patents, and to collect royalties resulting from the sale or licensing of commission-funded research. However, results and recommendations from research conducted or funded by the commission must be available to all cannabis producers and cannabis producer/processors without charge, except for reasonable costs as the commission may determine;

(m) Speak on behalf of the Washington state government regarding agricultural production of cannabis in this state, subject to oversight of both the director and the director of the board;

(n) Possess cannabis products for the limited purposes of this chapter;

(o) Adopt rules to implement this chapter; and

(p) Exercise other powers and duties reasonably necessary to carry out this chapter.

NEW SECTION. Sec. 6. The department must serve as the commission's rules coordinator. Rules adopted by the commission must be approved by the director.

NEW SECTION. Sec. 7. (1) The commission is composed of the following 13 voting members:

(a) Eight cannabis producer or cannabis producer/processor members, two each from district 1, district 2, district 3, and district 4;

(b) One statewide at-large cannabis producer or cannabis producer/processor member from any district;

(c) One statewide tier one cannabis producer or cannabis producer/processor member from any district;

(d) One statewide tier two cannabis producer or cannabis producer/processor member from any district;

(e) One statewide tier three cannabis producer or cannabis producer/processor member from any district; and

(f) The director.

(2) Each member of the commission other than the director must:

(a) Be 21 years of age or older;

(b) Be a citizen and resident of this state;

(c) Directly hold or be named an owner in whole or majority part of an entity holding the relevant business license issued by the board. This license must not be suspended at the time of nomination, election, or appointment and must not be suspended at any time during the member's term;

(d) Be an officer or employee of a corporation, firm, partnership, association, or cooperative engaged in the active production of cannabis within this state for a period of three years and have, during that period, derived a substantial portion of his or her income from cannabis production; and

(e) Continue to meet all membership qualifications throughout the member's term.

(3) Seven voting members constitute a quorum of the commission.

(4) Commission members must be reimbursed for expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. (1) The director must select initial members to appoint to the commission from a pool of self-nominated cannabis producers or cannabis producer/processors from district 1, district 2, district 3, and district 4.

(2) The director has discretion in determining which members are appointed to the term limits in (a) through (c) of this subsection but, within 90 days after the effective date of this section, must appoint the initial commission members in accordance with the following:

(a) Four members must be appointed for a one-year term;

(b) Four members must be appointed for a two-year term; and

(c) Four members must be appointed for a three-year term.

(3) The commission must establish by rule the process by which commission members are elected and any vacancy appointments are made.

(4) When making initial and replacement appointments, the director must give priority to persons representing the diverse communities of the state to maintain a balanced representation of members where practicable.

NEW SECTION. Sec. 9. (1) On a fiscal year basis and before each fiscal year beginning, the commission must develop and submit, to the director, each of the following:

(a) A budget; and

(b) Any plans concerning, without limitation:

(i) The establishment, issuance, effectuation, or administration of commission governance issues; and

(ii) The initiation or establishment of any rule making.

(2) The director must timely review and approve or deny each submission in this section.

(3) The director must review the commission's education program to ensure its consistency with applicable state and federal laws.

NEW SECTION. Sec. 10. The commission must deposit moneys collected under this chapter and section 15 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the

necessity of a specific legislative appropriation. None of the provisions of RCW 43.01.050 and 69.50.540 apply to this account or to the moneys received, collected, or expended under this chapter.

NEW SECTION. Sec. 11. The fee levied under section 15 of this act constitutes a personal debt of every person charged or who otherwise owes the fee, and the fee is due and payable to the commission.

NEW SECTION. Sec. 12. (1) Financial and commercial information and records submitted to the board or the commission to administer this chapter may be shared between the board and the commission. The information or records may also be used, if required, in any action or administrative hearing relative to this chapter.

(2) This section does not prohibit:

(a) The issuance of general statements based upon the reports of a cannabis producer or cannabis producer/processor under this chapter if the statements do not identify a specific licensee; or

(b) The publication by the director or the commission of the name of a cannabis producer or cannabis producer/processor violating this chapter and a statement of the violation.

NEW SECTION. Sec. 13. Obligations incurred by the commission and any other liabilities or claims against the commission must be enforced only against the assets of the commission and, except to the extent of such assets, no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, employee, or agent of the commission or the state of Washington in his or her individual capacity. Except as otherwise provided in this chapter, neither the commission members, nor its employees, may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No person or employee may be held individually responsible for any act or omission of any other commission members. The liability of the commission members shall be several and not joint, and no member is liable for the default of any other member. This provision confirms that commission members have been and continue to be, state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW.

NEW SECTION. Sec. 14. All costs incurred by the board and the department, including staff support and the adoption of rules or other actions necessary to carry out this chapter must be reimbursed by the commission. Costs incurred under this section must include initial estimates of work and line-item accounting of the costs incurred.

NEW SECTION. Sec. 15. A new section is added to chapter 69.50 RCW to read as follows:

(1) Pursuant to referendum under section 3 of this act, to provide for permanent funding of the Washington state cannabis commission, the board must impose and collect an assessment from all cannabis producers and cannabis producer/processors.

(2) The initial rate of assessment is:

(a) 0.29 percent of all sales revenue conducted by a cannabis producer who is not a cannabis producer/processor subject to an assessment under (b) of this subsection; and

(b) 0.145 percent of all sales revenue conducted by a cannabis producer/processor.

(3) After the initial assessment is approved, the commission may modify the assessment if submitted for approval by referendum. The requirements of assent or approval of a referendum under this subsection are met if:

(a) At least 60 percent by numbers of the participants in the

referendum vote affirmatively to approve the modification; and

(b) At least 40 percent of the active cannabis producers and 40 percent of the active cannabis producer/processors have been represented in the referendum to determine assent or approval of the modification.

(4) Assessments collected under this section must be disbursed at least quarterly to the Washington state cannabis commission established in section 4 of this act for use in carrying out the purposes of chapter 15.--- RCW (the new chapter created in section 17 of this act).

(5) Until October 31, 2028, the assessments in this section do not apply to a cannabis producer or cannabis producer/processor licensed under the social equity program in this chapter.

Sec. 16. RCW 41.06.070 and 2019 c 146 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, and temporary employees, and part-time professional consultants, as defined by the director;

(m) Officers and employees of the Washington state fruit commission;

(n) Officers and employees of the Washington apple commission;

(o) Officers and employees of the Washington state dairy

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

products commission;

(p) Officers and employees of the Washington tree fruit research commission;

(q) Officers and employees of the Washington state beef commission;

(r) Officers and employees of the Washington grain commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(v) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(w) Staff employed by the department of commerce to administer energy policy functions;

(x) The manager of the energy facility site evaluation council;

(y) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (v) of this subsection;

(z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

(aa) Officers and employees of the consolidated technology services agency created in RCW 43.105.006 that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; information technology customer relations management; and network and systems security;

(bb) The executive director of the Washington statewide reentry council; and

(cc) Officers and employees of the Washington state cannabis commission under chapter 15.--- RCW (the new chapter created in section 17 of this act).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of

Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the office of financial management stating the reasons for requesting such exemptions. The director shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, or is a senior expert in enterprise information technology infrastructure, engineering, or systems, the director shall grant the request. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

(4) The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (t), (cc), and (2) of this section, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

(5)(a) Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(b) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(c) A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

NEW SECTION. Sec. 17. Sections 1 through 14 of this act constitute a new chapter in Title 15 RCW."

On page 1, line 2 of the title, after "commission;" strike the

remainder of the title and insert "amending RCW 41.06.070; adding a new section to chapter 69.50 RCW; and adding a new chapter to Title 15 RCW."

Senators Schoesler and Shewmake 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. 0196 by Senator Schoesler to Substitute Senate Bill No. 5546.

The motion by Senator Schoesler carried and striking floor amendment no. 0196 was adopted by voice vote.

MOTION

On motion of Senator Shewmake, the rules were suspended, Engrossed Substitute Senate Bill No. 5546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shewmake 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. 5546.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

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

Voting nay: Senators Braun, Gildon, Hawkins, Holy, MacEwen, Muzzall, Rivers, Wagoner and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5691, by Senators Warnick and Shewmake

Concerning resource and assessment centers.

The measure was read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 0193 by Senator Warnick be adopted:

On page 2, line 12, after "for up to" strike "seven" and insert "three business"

On page 2, line 12, after "or up to" strike "14" and insert "seven business"

On page 2, beginning on line 14, after "((address))" strike all material through "Provide" on line 15 and insert "provide"

On page 2, beginning on line 16, after "care:" strike all material through "care:" on line 17

On page 2, beginning on line 18, after "children" strike all

material through "concerns")" on line 19 and insert "who have not been removed from a foster home because of the child's behavior or safety concerns"

Senators Warnick and Wilson, C. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0193 by Senator Warnick on page 2, line 12 to Senate Bill No. 5691.

The motion by Senator Warnick carried and floor amendment no. 0193 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5691, 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 4:04 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:10 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5340, by Senator King

Regarding limits on the sale and possession of retail cannabis products.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

Senators King and Keiser 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. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

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

Voting nay: Senator Salomon

Absent: Senator Gildon

SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5015, by Senators Fortunato, Gildon, Kuderer and Valdez

Reestablishing the productivity board.

The measure was read the second time.

MOTION

Senator Fortunato moved that the following floor amendment no. 0206 by Senators Fortunato and Hunt be adopted:

On page 1, line 21, after "by" strike "July 31, 2024" and insert "January 1, 2025, or as soon as practicable"

On page 2, line 7, after "by" strike "July 31, 2024" and insert "January 1, 2025, or as soon as practicable"

Senators Fortunato and Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0206 by Senators Fortunato and Hunt on page 1, line 21 to Engrossed Senate Bill No. 5015.

The motion by Senator Fortunato carried and floor amendment no. 0206 was adopted by voice vote.

MOTION

On motion of Senator Fortunato, the rules were suspended, Engrossed Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato and Hunt 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. 5015.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5652, by Senators Lovick, Dozier, Hawkins, Hunt, Saldaña, Short and Stanford

Addressing compensation for tow truck operators for keeping the public roadways clear. Revised for 1st Substitute: Providing compensation for tow truck operators for keeping the public roadways clear.

MOTIONS

On motion of Senator Lovick, Substitute Senate Bill No. 5652 was substituted for Senate Bill No. 5652 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovick, the rules were suspended, Substitute Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovick 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. 5652.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5696, by Senators Robinson and Hunt

Concerning eligibility for participation in the public

employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions.

MOTIONS

On motion of Senator Robinson, Substitute Senate Bill No. 5696 was substituted for Senate Bill No. 5696 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Robinson, the rules were suspended, Substitute Senate Bill No. 5696 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Robinson 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. 5696.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5696 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5363, by Senators MacEwen and Stanford

Concerning cannabis retailer advertising.

The measure was read the second time.

MOTION

On motion of Senator MacEwen, the rules were suspended, Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator MacEwen 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. 5363.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5103, by Senators Muzzall, Cleveland and Rivers

Concerning payment to acute care hospitals for difficult to discharge medicaid patients.

MOTIONS

On motion of Senator Muzzall, Second Substitute Senate Bill No. 5103 was substituted for Senate Bill No. 5103 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Muzzall, the rules were suspended, Second Substitute Senate Bill No. 5103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Muzzall and Cleveland 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. 5103.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5103 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5437, by Senators MacEwen and Hunt

Concerning vacancies of the governing body of special purpose districts.

MOTION

On motion of Senator MacEwen, Substitute Senate Bill No. 5437 was substituted for Senate Bill No. 5437 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

On motion of Senator MacEwen and without objection, floor amendment no. 0118 by Senator MacEwen on page 1, line 11 to Substitute Senate Bill No. 5437 was withdrawn.

MOTION

On motion of Senator MacEwen, the rules were suspended, Substitute Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators MacEwen and Lovelett 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. 5437.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5267, by Senators Kuderer, Stanford, Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Saldaña, Shewmake, Trudeau, Wellman and Wilson, C.

Safeguarding the public safety by protecting railroad workers.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5267 was substituted for Senate Bill No. 5267 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Stanford and without objection, striking floor amendment no. 0192 by Senator Stanford to Substitute Senate Bill No. 5267 was withdrawn.

MOTION

Senator Keiser moved that the following striking floor amendment no. 0223 by Senators Keiser, King and Kuderer be adopted:

Strike everything after the enacting clause and insert the following:

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

employees are susceptible to illness and infectious diseases from working in confined spaces, as well as the illnesses and injuries that affect the general population, yet have no protections for unpaid leave, and may be subjected to discipline and termination for unpaid absences from duty due to illnesses and injuries of themselves and their family members, or for bereavement.

The legislature further finds that railroad employees may report to work while ill to avoid disciplinary action by railroad companies, pursuant to their corporate attendance and availability policies.

The provisions of this chapter are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health, safety, and welfare of the people of this state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) The following terms have the same meaning as provided in RCW 50A.05.010: "Child," "family leave," "family member," "health care provider," "medical leave," "period of incapacity," "serious health condition," and "spouse."

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's authorized representative.

(4) "Employee" means a person who has been employed by a railroad carrier.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity, including any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which engages in business as a railroad carrier.

(6) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions except benefits that are provided by a practice or written policy of an employer or through an employee benefit plan as defined in 29 U.S.C. Sec. 1002(3).

(7) "Intermittent leave" is leave taken in separate blocks of time due to a single qualifying reason.

(8) "Operating craft employee" means any employee of a railroad carrier who performs service in an operating craft on a railroad or directs the work of an operating craft employee as a scheduled employee, and includes any other employee of a railroad carrier who performs safety sensitive tasks associated with railroad operations.

(9) "Railroad carrier" means any employer subject to the jurisdiction of the surface transportation board under 49 U.S.C. Sec. 1301 through 1326, as it exists on the effective date of this section. "Railroad carrier" includes the officers and agents of the railroad operations regardless of physical location. "Railroad carrier" does not include class III carriers.

(10) "Unpaid" means a period of leave undertaken without receiving payment of lost wages from an employing railroad company.

NEW SECTION. Sec. 3. The department shall administer the provisions of this chapter.

NEW SECTION. Sec. 4. (1) No railroad carrier may dismiss, suspend, lay off, demote, engage in any adverse action against, or otherwise discipline an employee for unpaid absences pursuant to the provisions of this section if:

(a) The employee has completed three consecutive months of continuous employment by the railroad carrier prior to the absence;

(b) No consecutive period of unpaid absence pursuant to the provisions of this section exceeds 15 days;

(c) The total number of unpaid absences the employee has taken pursuant to the provisions of this section, including railroad employer paid sick leave, is less than 91 days in the current calendar year; and

(d) The unpaid absence is taken pursuant to subsection (2) of this section.

(2) An employee's unpaid absence under this section is due to any of the following reasons:

(a) An absence resulting from an employee's mental or physical illness, injury, or health condition including fatigue; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(b) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(c) When the employee or their spouse or registered domestic partner's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(3) An employer may permit employees to use any accrued leave, including vacation time or personal leave, while absent pursuant to the provisions of this section. An employer may not require an employee to use paid leave while absent pursuant to the provisions of this section.

(4) For employee absences under this section exceeding five consecutive days, the employer may, within 10 days of the employee's return to work, request verification that the employee's unpaid absence was for a specific purpose pursuant to this section.

(a) If verification is requested by an employer, the employer must provide the employee no fewer than 30 days to obtain and provide any requested verification. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(b) If an employer requires an employee to provide verification from a health care provider identifying the need for use of their unpaid leave for a specific purpose pursuant to this section, the employer must not require that the information provided explain the nature of the condition. If the employer obtains any health information about an employee or an employee's family member, the employer must treat such information in a confidential manner consistent with applicable privacy laws.

(5) Any employee absences pursuant to this section are not subject to any type of carrier availability or attendance policy and are separate from any protected leave under Title 50A RCW and section 4 of this act.

NEW SECTION. Sec. 5. (1) It is unlawful for any employer to:

(a) Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this chapter; or

(b) Discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

(2) It is unlawful for any person to discharge or in any other manner discriminate against any individual because the individual has:

(a) Filed any complaint or charge, or has instituted or caused to be instituted any proceeding, under or related to this chapter;

(b) Given, or is about to give, any information in connection

with any inquiry or proceeding relating to any right provided under this chapter; or

(c) Testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this chapter.

NEW SECTION. Sec. 6. (1)(a) Upon receipt of a complaint by an employee of a railroad carrier, the department shall investigate to determine if there has been noncompliance with this chapter and related rules and issue either a citation and notice of assessment or a closure letter within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the period, and specifying the duration of the extension.

(b) The department shall send the citation and notice of assessment or the closure letter to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(c) If the department's investigation finds that the employee's allegation cannot be substantiated, the department shall issue a closure letter to the employee and the employer detailing such finding.

(2)(a) If the department's investigation finds that a railroad carrier violated this chapter or related rules, the department may order the employer to pay the department a civil penalty. Civil penalties may be assessed as follows:

(i) For a class I carrier and any class II or III carrier owned by a class I carrier, up to \$5,000 for the first violation, up to \$25,000 for the second violation within a three-year period following any previous violation, and up to \$100,000 for the third or subsequent violation within a three-year period following any previous violation;

(ii) For a class II carrier, up to \$1,000 for the first violation, up to \$5,000 for the second violation within a three-year period following any previous violation, and up to \$10,000 for the third or subsequent violation within a three-year period following any previous violation.

(b) The department may, at any time, waive or reduce any civil penalty assessed against an employer under this section if the department determines that the employer has taken corrective action to remedy the retaliatory action.

(3) The director may also order other remedies such as back pay and reinstatement, and may increase the fines by rule based on changing economic conditions.

(4) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

NEW SECTION. Sec. 7. (1) A person, firm, or corporation aggrieved by a citation and notice of assessment by the department under this chapter, or any rules adopted under this chapter, may appeal the citation and notice of assessment to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation and notice of assessment. A citation and notice of assessment not appealed within 30 days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

by the administrative law judge of an appealed citation and notice of assessment shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct an administrative review in accordance with chapter 34.05 RCW.

(4) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

NEW SECTION. Sec. 8. If any person fails to pay an assessment under this chapter, or under any rule under this chapter, after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director may initiate collection procedures in accordance with section 9 of this act.

NEW SECTION. Sec. 9. (1) After a final order is issued under this chapter, or any rules under this chapter, if an employer defaults in the payment of: (a) Any amount determined by the department to be owed to an employee, including interest; or (b) any civil penalty ordered by the department under this chapter, or any rules under this chapter, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of payment due on it plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which shall be added to the amount of the warrant. A copy of the warrant shall be mailed to the employer within three days of filing with the clerk.

(2)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when they have reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an employer upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall

release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an employer and the property subject to the notice is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (2)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (2)(c).

(3) In addition to the procedure for collection of amounts owed, including interest, and civil penalties as set forth in this section, the department may recover amounts owed, including interest, and civil penalties assessed under this chapter, and any rules under this chapter, in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(4) Whenever any employer quits business, sells out, exchanges, or otherwise disposes of the employer's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the employer's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the employer within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or

penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due to the successor from the employer.

(5) This section does not affect other collection remedies that are otherwise provided by law.

NEW SECTION. Sec. 10. Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the director, setting forth excerpts from, or summaries of, the pertinent provisions of this chapter and information pertaining to the filing of a charge. Any employer that willfully violates this section may be subject to a civil penalty of not more than \$1,000 for each separate offense. Any penalties collected by the department under this section shall be deposited into the supplemental pension fund established under RCW 51.44.033.

NEW SECTION. Sec. 11. Nothing in this chapter shall be construed:

(1) To modify or affect any state or local law prohibiting discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability; or

(2) To supersede any provision of any local law that provides greater family or medical leave rights than the rights established under this chapter.

NEW SECTION. Sec. 12. Nothing in this chapter diminishes the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established under this chapter. The rights established for employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan.

NEW SECTION. Sec. 13. Nothing in this chapter shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this chapter.

NEW SECTION. Sec. 14. The director may adopt rules as necessary to implement this chapter.

NEW SECTION. Sec. 15. This act may be known and cited as the Shahraim C. Allen safe leave act for Washington railroad workers.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 15 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 18. Except for sections 6 through 10 of this act, which take effect January 1, 2024, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

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

Senator Stanford spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0223 by Senators

Keiser, King and Kuderer to Substitute Senate Bill No. 5267.

The motion by Senator Keiser carried and striking floor amendment no. 0223 was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Stanford spoke on passage of the bill.

SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President called the Senate to order and announced that Senate Bill No. 5600 to be before the Senate and was immediately considered.

SECOND READING

SENATE BILL NO. 5600, by Senators Wellman, Braun, Lovick, Schoesler and Short

Removing the expiration date for the state universal communications services program. Revised for 1st Substitute: Extending the expiration date for the state universal communications services program.

MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 5600 was substituted for Senate Bill No. 5600 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5600 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 Substitute Senate Bill No. 5600.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5600 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, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5600, 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.

FIFTY NINTH DAY, MARCH 8, 2023

2023 REGULAR SESSION

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5267.

as the title of the act.

Senators Stanford and Hasegawa spoke on of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5267.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Boehnke, Dozier, McCune, Padden, Schoesler, Wagoner and Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand

PERSONAL PRIVILEGE

Senator Cleveland: "Thank you Mr. President. I know we are near the end of a long difficult day and unfortunately, I do have some sad news to share with the body. I learned this afternoon that my former seatmate has passed away, former 49th Representative Jim Moeller passed away today. He served in the Legislature for 14 years and I know that many here on this floor served with him in the other body. He will be missed, and I do send warm thoughts and prayers to his family. Thank you."

President Heck: "Rest in Peace, Jim."

MOTION

At 5:12 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, March 9, 2023.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

1004	Messages..... 1	Messages..... 1
1019-SE	Messages..... 1	1378-S
1023	Messages..... 1	Introduction & 1st Reading..... 2
1028-S2	Introduction & 1st Reading..... 1	1455
1052	Messages..... 1	Messages..... 1
1055	Introduction & 1st Reading..... 1	1508-SE
1084-S	Messages..... 1	Introduction & 1st Reading..... 2
1105-S	Introduction & 1st Reading..... 1	1527
1110-S2E	Introduction & 1st Reading..... 1	Introduction & 1st Reading..... 3
1134-S2E	Introduction & 1st Reading..... 2	1530
1151-S2	Messages..... 1	Introduction & 1st Reading..... 3
1163-S	Introduction & 1st Reading..... 2	1533-SE
1168-S2	Messages..... 1	Introduction & 1st Reading..... 3
1187-SE	Introduction & 1st Reading..... 2	1541-S2E
1197	Messages..... 1	Messages..... 1
1205-S2	Introduction & 1st Reading..... 2	1550-S2
1209-E	Messages..... 1	Introduction & 1st Reading..... 3
1255-S	Introduction & 1st Reading..... 2	1554-SE
1265	Introduction & 1st Reading..... 2	Introduction & 1st Reading..... 3
1268-S	Introduction & 1st Reading..... 2	1578-S2
1275-S	Messages..... 1	Introduction & 1st Reading..... 3
1311-SE	Introduction & 1st Reading..... 2	1589-SE
1324-E	Introduction & 1st Reading..... 2	Introduction & 1st Reading..... 3
1362-SE		1639-S2
		Introduction & 1st Reading..... 3
		1663-E
		Introduction & 1st Reading..... 3
		1682-S
		Messages..... 1
		1684
		Messages..... 1
		1712
		Introduction & 1st Reading..... 4
		1715-S2E
		Messages..... 1
		1744-SE
		Introduction & 1st Reading..... 4
		1745-S2
		Introduction & 1st Reading..... 4
		1762-S2
		Introduction & 1st Reading..... 4
		1763
		Introduction & 1st Reading..... 4
		1764-S
		Messages..... 1
		1779-S
		Messages..... 1
		1789-SE

Messages	1	Second Reading	5
1824		5304-S	
Introduction & 1st Reading.....	4	Second Reading	5
1833-S		Third Reading Final Passage	6
Messages	1	5340	
4001-S		Second Reading	20
Introduction & 1st Reading.....	4	Third Reading Final Passage	21
5015		5352	
Second Reading	21	Other Action.....	9
5015-E		Second Reading	10, 11, 12
Third Reading Final Passage	21	5352-E	
5032		Third Reading Final Passage	12
Second Reading	13	5363	
Third Reading Final Passage	13	Second Reading	22
5048		Third Reading Final Passage	22
Second Reading	7	5437-S	
5048-S2		Other Action.....	23
Second Reading	7	Second Reading	22
Third Reading Final Passage	7	Third Reading Final Passage	23
5084		5448	
Second Reading	14	Second Reading	13
Third Reading Final Passage	15	5448-S	
5103-S2		Second Reading	13
Second Reading	22	Third Reading Final Passage	13
Third Reading Final Passage	22	5487	
5172		Second Reading	13
Second Reading	6	Third Reading Final Passage	13
5175		5491	
Second Reading	6	Second Reading	7
5175-E		5491-S	
Third Reading Final Passage	6	Second Reading	7
5267		Third Reading Final Passage	7
Second Reading	23	5504	
5267-S		Second Reading	9
Other Action.....	23	5504-S	
Second Reading	23	Second Reading	9
5267-SE		Third Reading Final Passage	10
Other Action.....	27	5528-S	
Third Reading Final Passage	27	Second Reading	14
5269		5528-SE	
Second Reading	14	Third Reading Final Passage	14
5269-S2		5546	
Second Reading	14	Second Reading	15
Third Reading Final Passage	14	5546-S	
5274		Second Reading	15
Second Reading	8	5546-SE	
Third Reading Final Passage	8	Third Reading Final Passage	20
5304		5580	

Second Reading	7	9101 Giniger, Judith	
5580-S		Confirmed	4
Second Reading	7	9112 Kenyon, Jr., Kenneth	
5580-S2		Confirmed	5
Second Reading	7	9121 Thorstensen, Hoang Uyen	
5580-S2E		Confirmed	5
Third Reading Final Passage	8	9271 Gregoire, Norrie	
5600		Confirmed	5
Other Action.....	5	CHAPLAIN OF THE DAY	
Second Reading	26	Jordan, Mr. Marlando, Pastor, Sozo Church,	
5600-S		Kennewick	1
Second Reading	26	FLAG BEARERS	
Third Reading Final Passage	26	Fisher, Mr. Jack.....	1
5634		Yost, Mr. Miles.....	1
Second Reading	10	GUESTS	
5634-S2		Lavergne, Mr. Oscar, friend of Miss Violet	
Second Reading	10	Madson.....	1
5634-S2E		Madson, Miss Violet, National Anthem	1
Third Reading Final Passage	10	Madson, Mr. Brant, father of Miss Violet	
5652		Madson.....	1
Second Reading	21	Students from East Olympia Elementary	
5652-S		School	8
Second Reading	21	Tanaka, Miss Sophie, Pledge of Allegiance .	1
Third Reading Final Passage	21	Titterness, Mr. Dan, grandfather of Miss	
5672-S		Violet Madson.....	1
Second Reading	9	Titterness, Mrs. Cindy, grandmother of Miss	
Third Reading Final Passage	9	Violet Madson.....	1
5691		PRESIDENT OF THE SENATE	
Second Reading	20	Remarks by the President.....	8
5691-E		WASHINGTON STATE SENATE	
Third Reading Final Passage	20	Personal Privilege, Senator Billig.....	8
5696-S		Personal Privilege, Senator Cleveland....	9, 27
Second Reading	21, 22	Personal Privilege, Senator Keiser.....	9
Third Reading Final Passage	22		