

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

SEVENTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Monday, March 29, 2021

March 27, 2021

The Senate was called to order at 10:01 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 Washington State Patrol Honor Guard presented the Colors.

Miss Annika Sturgeon and Mr. Jensen Becker-Brown led the Senate in the Pledge of Allegiance. Miss Sturgeon and Mr. Becker are both students at Lake Washington High School, Kirkland and guests of Senator Dhingra.

The prayer was offered by Father Peter Tynan of Saint Martin's University, Lacey. Father Tynan was a guest of Senator Padden.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

March 27, 2021

SB 5083 Prime Sponsor, Senator Frockt: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 27, 2021

SB 5084 Prime Sponsor, Senator Frockt: Concerning state general obligation bonds and related accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

2SHB 1044 Prime Sponsor, Committee on Appropriations: Creating prison to postsecondary education pathways. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Gildon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 27, 2021

SHB 1107 Prime Sponsor, Committee on Transportation: Expanding certain nonresident vessel permit provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

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

Referred to Committee on Rules for second reading.

March 27, 2021

ESHB 1332 Prime Sponsor, Committee on Finance: Concerning property tax deferral during the COVID-19 pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Gildon; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Warnick.

MINORITY recommendation: Do not pass. Signed by

Senator Dhingra.

March 28, 2021

Referred to Committee on Rules for second reading.

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1151, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 27, 2021

ESHB 1521 Prime Sponsor, Committee on Finance: Supporting warehousing and manufacturing job centers. Reported by Committee on Ways & Means

March 28, 2021

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078, SUBSTITUTE HOUSE BILL NO. 1114, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle and Muzzall.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Billig, and without objection, pursuant to Emergency Senate Rule J, the Committee on Rules was relieved of Senate Bill No. 5083 and Senate Bill No. 5084 and the bills were placed on the 2nd Reading Calendar.

Senator Billig moved that the calendar be constituted and that for the purposes of Senate Rule No. 53, Senate Bill No. 5083 be considered to have been placed on the 2nd Reading Calendar as of 10:08 a.m., Monday, March 29, 2011. The motion carried without objection.

MOTION

At 10:08 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

MOTIONS

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

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

MESSAGES FROM THE HOUSE

March 28, 2021

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5021,
SUBSTITUTE SENATE BILL NO. 5055,
SENATE BILL NO. 5058,
SENATE BILL NO. 5077,
SUBSTITUTE SENATE BILL NO. 5179,
SENATE BILL NO. 5198,
SENATE BILL NO. 5322,
SENATE BILL NO. 5338,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 28, 2021

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5267,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 28, 2021

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1157,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

The Senate was called to order at 11:09 a.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5165, by Senators Hobbs, King, Nobles, Saldaña, and Wilson, C.

Making transportation appropriations for the 2021-2023 fiscal biennium.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Saldaña moved that the following floor amendment no. 494 by Senator Saldaña be adopted:

On page 24, after line 29, insert the following:
"(6) \$750,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

2021 (environmental justice task force recommendations). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses."

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

Senator Saldaña spoke in favor of adoption of the amendment. Senators Hobbs and King spoke against adoption of the amendment.

SUBSTITUTE SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the adoption of floor amendment no. 494 by Senator Saldaña on page 24, line 29 to Substitute Senate Bill No. 5165.

SIGNED BY THE PRESIDENT

The motion by Senator Saldaña did not carry and floor amendment no. 494 was not adopted by voice vote.

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,
SUBSTITUTE HOUSE BILL NO. 1114,
and SUBSTITUTE HOUSE BILL NO. 1151.

MOTION

SECOND READING

Senator Rolfes moved that the following floor amendment no. 495 by Senator Rolfes be adopted:

SENATE BILL NO. 5232, by Senator King

Beginning on page 37, line 39, after "for" strike all material through "driveways." on page 38, line 7, and insert "SR 104 highway traffic control in Kingston during overloaded ferry travel times, with a particular focus on Sundays, Mondays, and holiday/festival weekends. The schedule for this coverage shall include approximately 1,500 officer resource hours per calendar year. Traffic control methods should include issuing boarding passes, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston area residents and business owners have access to businesses, roads, and driveways."

Limiting bonding toll revenues on certain state highway facilities.

The measure was read the second time.

Senator Rolfes spoke in favor of adoption of the amendment. Senators Hobbs and King spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

The President declared the question before the Senate to be the adoption of floor amendment no. 495 by Senator Rolfes on page 37, line 39 to Substitute Senate Bill No. 5165.

On motion of Senator Hobbs and without objection, floor amendment no. 417 by Senator Hobbs Senate Bill No. 5232 was withdrawn.

MOTION

The motion by Senator Rolfes did not carry and floor amendment no. 495 was not adopted by voice vote.

Senator Saldaña moved that the following floor amendment no. 451 by Senator Saldaña be adopted:

WITHDRAWAL OF AMENDMENT

Strike everything after the enacting clause and insert the following:

On motion of Senator Liias and without objection, floor amendment no. 496 by Senator Liias on page 38, line 11 to Substitute Senate Bill No. 5165 was withdrawn.

"Sec. 1. RCW 47.10.897 and 2019 c 421 s 3 are each amended to read as follows:

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(1) Upon the request of the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of bonds authorized by chapter 421, Laws of 2019 in accordance with chapter 39.42 RCW. Bonds authorized by chapter 421, Laws of 2019 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

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

(2) Bonds supported by revenues in the Interstate 405 and state route number 167 express toll lanes account may not be issued until (a) after January 1, 2023, and (b)(i) toll revenue levels in the account have returned to a level of \$8,500,000 in a single quarter as reported in the department's quarterly revenue and expenditure reports or (ii) the state treasurer determines that the toll revenue levels are sufficient to meet the financial obligation for the Interstate 405 and state route number 167 express toll lanes provided in RCW 47.10.899.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5165.

(3) Bonds supported by revenues in the Puget Sound Gateway facility account may not be issued until (a) after January 1, 2023, and (b) the state treasurer determines that the toll revenue levels will be sufficient to meet the financial obligation for the Puget

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Sound Gateway facility provided in RCW 47.10.899.

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 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.10.897; and declaring an emergency."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 451 by Senator Saldaña to Senate Bill No. 5232.

The motion by Senator Saldaña carried and floor amendment no. 451 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs 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. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Stanford

ENGROSSED SENATE BILL NO. 5232, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, by House Committee on State Government & Tribal Relations (originally sponsored by Dolan, Valdez, Kloba, Gregerson and Wylie)

Exempting election security information from public records disclosure.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1068.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1068 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, by House Committee on Public Safety (originally sponsored by Orwall, Mosbrucker, Simmons, Goodman, Leavitt, Valdez, Kloba, Graham, Morgan, Caldier, Rule and Macri)

Concerning victims of sexual assault.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 5.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the association must, in consultation with the office of the attorney general, collect information on the investigational status of any sexual assault case where the sexual assault kit was in the possession of the law enforcement agency and a request for forensic examination had not been submitted by the law enforcement agency to the Washington state patrol crime laboratory as of July 24, 2015. The association must work with law enforcement agencies to update the investigational status of each open case not less than semiannually. Beginning in 2022, the association must submit reports on the information collected pursuant to this section to the governor and appropriate committees of the legislature by January 1st and July 1st of each year.

(2) For the purposes of this section:

(a) "Association" means the Washington association of sheriffs and police chiefs.

(b) "Investigational status" means:

(i) The agency case or incident number;

(ii) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

laboratory;

(iii) The date the forensic examination was complete and reported to the law enforcement agency;

(iv) Whether the case is open or closed;

(v) For open cases, whether the case remains:

(A) An active investigation;

(B) Open pending forensic examination results; or

(C) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and

(vi) For closed cases, whether the case was closed as a result of:

(A) A referral for prosecution where charges were filed or the prosecutor is reviewing the case;

(B) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient;

(C) A referral for prosecution where the prosecutor declined to file charges because the case failed to meet prosecutorial charging standards;

(D) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred;

(E) The inability to locate the victim or lack of victim participation; or

(F) Any other reason, in which case the agency must include a brief description as to why the case closed.

(3) Nothing in this section may be interpreted to require any law enforcement agency to disclose any information that would jeopardize an active criminal investigation.

NEW SECTION. Sec. 2. A new section is added to chapter 5.70 RCW to read as follows:

(1) For any sexual assault kit under RCW 5.70.050 where forensic analysis has generated a profile that has resulted in a hit in the combined DNA index system, the office of the attorney general may request information from the applicable law enforcement agency and prosecuting attorney as to the case status of any related criminal investigation and prosecution, including information as provided under section 1(2)(b) of this act as well as any other relevant information. The law enforcement agency and prosecuting attorney shall provide requested case status updates to the office of the attorney general. The office of the attorney general shall consult with the Washington association of sheriffs and police chiefs when developing any procedures for requesting and collecting case status updates under this section.

(2) Nothing in this section may be interpreted to require any law enforcement agency or prosecuting attorney to disclose any information that would jeopardize an active criminal investigation or prosecution.

Sec. 3. RCW 43.101.278 and 2020 c 26 s 8 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall ~~((develop a proposal for a))~~ conduct an annual case review program. The ~~((commission shall research, design, and develop case review strategies designed to optimize outcomes in sexual assault investigations through improved))~~ program must review case files from law enforcement agencies and prosecuting attorneys selected by the commission in order to identify changes to training and investigatory practices necessary to optimize outcomes in sexual assault investigations and prosecutions involving adult victims. The ~~((proposed))~~ program must ~~((evaluate))~~ include:

(a) An evaluation of whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews and that identifies best practices and current gaps in training and assesses the integration of the community resiliency model~~((The program will include a))~~;

(b) A comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training~~((The program will also include other randomly))~~;

(c) Randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating sexual assault cases and interacting with survivors; and

(d) An analysis of the impact that race and ethnicity have on sexual assault case outcomes.

(2) The case review program may review and access files, including all reports and recordings, pertaining to closed cases involving allegations of adult sexual assault only. Any law enforcement agency or prosecuting attorney selected for the program by the commission shall make requested case files and other documents available to the commission, provided that the case files are not linked to ongoing, open investigations and that redactions may be made where appropriate and necessary. Agencies and prosecuting attorneys shall include available information on the race and ethnicity of all sexual assault victims in the relevant case files provided to the commission. Case files and other documents must be made available to the commission according to appropriate deadlines established by the commission in consultation with the agency or prosecuting attorney.

(3) If a law enforcement agency has not participated in the training under RCW 43.101.272 by July 1, 2022, the commission may prioritize the agency for selection to participate in the program under this section.

(4) In designing and conducting the program, the commission shall consult and collaborate with experts in trauma-informed and victim-centered training, experts in sexual assault investigations and prosecutions, victim advocates, and other stakeholders identified by the commission. The commission may form a multidisciplinary working group for the purpose of carrying out the requirements of this section.

~~((3))~~ (5) The commission shall submit a report with a summary of its ~~((proposal))~~ work to the governor and the appropriate committees of the legislature by December ~~((4, 2020))~~ 1st of each year.

~~((4)) This section expires July 1, 2021.~~)

Sec. 4. RCW 70.125.110 and 2019 c 93 s 9 are each amended to read as follows:

(1) In addition to all other rights provided in law, a sexual assault survivor has the right to:

(a) Receive a medical forensic examination at no cost;

(b) Receive written notice of the right under (a) of this subsection and that he or she may be eligible for other benefits under the crime victim compensation program, through a form developed by the office of crime victims advocacy, from the medical facility providing the survivor medical treatment relating to the sexual assault;

(c) Receive a referral to an accredited community sexual assault program or, in the case of a survivor who is a minor, receive a connection to services in accordance with the county child sexual abuse investigation protocol under RCW 26.44.180, which may include a referral to a children's advocacy center, when presenting at a medical facility for medical treatment relating to the assault and also when reporting the assault to a law enforcement officer;

(d) Consult with a sexual assault survivor's advocate throughout the investigatory process and prosecution of the survivor's case, including during ~~((any))~~ Any medical evidentiary examination ~~((and during))~~ at a medical facility; any interview by law enforcement officers, prosecuting attorneys, or defense attorneys~~((unless an advocate cannot be summoned in a~~

~~timely manner~~); and court proceedings, except while providing testimony in a criminal trial, in which case the advocate may be present in the courtroom. Medical facilities, law enforcement officers, prosecuting attorneys, defense attorneys, courts and other applicable criminal justice agencies, including correctional facilities, are responsible for providing advocates access to facilities where necessary to fulfill the requirements under this subsection. The right in this subsection applies regardless of whether a survivor has waived the right in a previous examination or interview;

~~((e))~~ (e) Be informed, upon the request of a survivor, of when the forensic analysis of his or her sexual assault kit and other related physical evidence will be or was completed, the results of the forensic analysis, and whether the analysis yielded a DNA profile and match, provided that the disclosure is made at an appropriate time so as to not impede or compromise an ongoing investigation;

~~((f))~~ (f) Receive notice prior to the destruction or disposal of his or her sexual assault kit;

~~((g))~~ (g) Receive a copy of the police report related to the investigation without charge; ~~and~~

~~((h))~~ (h) Review his or her statement before law enforcement refers a case to the prosecuting attorney;

(i) Receive timely notifications from the law enforcement agency and prosecuting attorney as to the status of the investigation and any related prosecution of the survivor's case;

(j) Be informed by the law enforcement agency and prosecuting attorney as to the expected and appropriate time frames for receiving responses to the survivor's inquiries regarding the status of the investigation and any related prosecution of the survivor's case; and further, receive responses to the survivor's inquiries in a manner consistent with those time frames;

(k) Access interpreter services where necessary to facilitate communication throughout the investigatory process and prosecution of the survivor's case; and

(l) Where the sexual assault survivor is a minor, have:

(i) The prosecutor consider and discuss the survivor's requests for remote video testimony under RCW 9A.44.150 when appropriate; and

(ii) The court consider requests from the prosecutor for safeguarding the survivor's feelings of security and safety in the courtroom in order to facilitate the survivor's testimony and participation in the criminal justice process.

(2) A sexual assault survivor retains all the rights of this section regardless of whether the survivor agrees to participate in the criminal justice system and regardless of whether the survivor agrees to receive a forensic examination to collect evidence.

(3) If a survivor is denied any right enumerated in subsection (1) of this section, he or she may seek an order directing compliance by the relevant party or parties by filing a petition in the superior court in the county in which the sexual assault occurred and providing notice of such petition to the relevant party or parties. Compliance with the right is the sole remedy available to the survivor. The court shall expedite consideration of a petition filed under this subsection.

(4) Nothing contained in this section may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding. Except in the circumstances as provided in subsection (3) of this section, this section does not grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure of a person to make a reasonable effort to protect or adhere to the rights enumerated in this section may not result in civil liability against that person. This section does not limit other civil remedies or defenses of the sexual assault survivor or the

offender.

(5) For the purposes of this section:

(a) "Law enforcement officer" means a general authority Washington peace officer, as defined in RCW 10.93.020, or any person employed by a private police agency at a public school as described in RCW 28A.150.010 or an institution of higher education, as defined in RCW 28B.10.016.

(b) "Sexual assault survivor" means any person who is a victim, as defined in RCW 7.69.020, of sexual assault. However, if a victim is incapacitated, deceased, or a minor, sexual assault survivor also includes any lawful representative of the victim, including a parent, guardian, spouse, or other designated representative, unless the person is an alleged perpetrator or suspect.

(c) "Sexual assault survivor's advocate" means any person who is defined in RCW 5.60.060 as a sexual assault advocate, or a crime victim advocate.

NEW SECTION. Sec. 5. 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 "assault;" strike the remainder of the title and insert "amending RCW 43.101.278 and 70.125.110; adding new sections to chapter 5.70 RCW; and declaring an emergency."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 1109.

The motion by Senator Pedersen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Dhingra moved that the following striking floor amendment no. 497 by Senator Dhingra be adopted:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 5.70.005 and 2020 c 26 s 2 are each amended to read as follows:

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

(1) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) "DNA work product" means (a) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, screening by-products, and DNA extracts from reference samples; or (b) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement or a forensic nurse as part of an investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

(i) The contents of a sexual assault examination kit;

(ii) Blood;

(iii) Semen;

(iv) Hair;

(v) Saliva;

(vi) Skin tissue;

(vii) Fingerprints;

(viii) Bones;

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

(ix) Teeth; or

(x) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

~~((3))~~ (4) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.

~~((4))~~ (5) "Investigational status" means:

(a) The agency case or incident number;

(b) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime laboratory;

(c) The date the forensic examination was complete and reported to the law enforcement agency;

(d) Whether the case is open or closed;

(e) Whether the case was reopened as a result of the hit in the combined DNA index system;

(f) For open cases, whether the case remains;

(i) An active investigation;

(ii) Open pending forensic examination results; or

(iii) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and

(g) For closed cases, whether the case was closed as a result of:

(i) A referral for prosecution where charges were filed or the prosecutor is reviewing the case;

(ii) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient;

(iii) A referral for prosecution where the prosecutor declined to file charges because the case failed to meet prosecutorial charging standards;

(iv) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred;

(v) The inability to locate the victim or lack of victim participation; or

(vi) Any other reason, in which case the agency must include a brief description as to why the case closed.

(6) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

~~((5))~~ (7) "Screening by-product" means a product or waste generated during examination of DNA evidence, or the screening process of such evidence, that is not intended for long-term storage.

~~((6))~~ (8) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination.

~~((7))~~ (9) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred."

On page 2, line 39, after "general" strike "may" and insert "shall"

On page 3, line 4, after "under" strike "section 1(2)(b) of this act" and insert "RCW 5.70.005(5)"

On page 3, line 8, after "the" strike all material through "chiefs" and insert "association"

On page 3, after line 14, insert the following:

"(3) The attorney general's office shall report quarterly to the

association the investigational status of any sexual assault kit under RCW 5.70.050.

(4) Beginning in 2022, in consultation with the attorney general's office, the association must submit reports on the information collected pursuant to this section to the governor and appropriate committees of the legislature by January 1st and July 1st of each year."

On page 7, after line 17, insert the following:

"NEW SECTION. Sec. 5. 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, beginning on line 1 of the title, after "assault;" strike "amending RCW 43.101.278 and 70.125.110; and adding new sections to chapter 5.70 RCW" and insert "amending RCW 5.70.005, 43.101.278, and 70.125.110; adding a new section to chapter 5.70 RCW; and declaring an emergency"

Senators Dhingra and Padden 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. 497 by Senator Dhingra to Engrossed Substitute House Bill No. 1109.

The motion by Senator Dhingra carried and striking floor amendment no. 497 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 1109, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1109 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1109, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274, by House Committee on Appropriations (originally sponsored by Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg and Slatter)

Concerning cloud computing solutions.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Second Substitute House Bill No. 1274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle 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 House Bill No. 1274.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1274 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator McCune

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274, 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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480, by House Committee on Appropriations (originally sponsored by MacEwen, Kloba, Sutherland, Robertson, Ormsby, Chambers, Eslick and Tharinger)

Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Mullet 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 House Bill No. 1480.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1480 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Darneille, Hasegawa and Wellman

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1206, by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley)

Protecting temporary workers.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 1206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Keiser 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 House Bill No. 1206.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1206 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Padden, Schoesler, Wagoner, Warnick and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1237, by Representatives Eslick, Senn, Leavitt, Callan, Ortiz-Self, Rude, Davis, Santos, Rule, Goodman

SEVENTY EIGHTH DAY, MARCH 29, 2021
and Riccelli

2021 REGULAR SESSION

Defining family resource centers.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 1237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1237.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1237 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1383, by House Committee on Health Care & Wellness (originally sponsored by Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri and Morgan)

Concerning respiratory care practitioners.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.89.010 and 1997 c 334 s 1 are each amended to read as follows:

The legislature finds that in order to safeguard life, health, and to promote public welfare, a person practicing or offering to practice respiratory care as a respiratory care practitioner in this state shall be required to submit evidence that he or she is qualified to practice, and shall be licensed as provided. The settings for these services may include, health facilities licensed in this state, clinics, home care, home health agencies, physicians' offices, ~~(and)~~ public or community health services, and services

provided through telemedicine to patients in these settings. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

Sec. 2. RCW 18.89.020 and 2011 c 235 s 1 are each reenacted and amended to read as follows:

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

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

(2) "Direct supervision" means a health care practitioner is continuously on-site and physically present in the treatment operatory while the procedures are performed by the respiratory care practitioner.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an osteopathic physician assistant licensed under chapter 18.57A RCW.

~~((3))~~ (4) "Respiratory care practitioner" means an individual licensed under this chapter.

~~((4))~~ (5) "Secretary" means the secretary of health or the secretary's designee.

Sec. 3. RCW 18.89.020 and 2020 c 80 s 20 are each amended to read as follows:

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

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

(2) "Direct supervision" means a health care practitioner is continuously on-site and physically present in the treatment operatory while the procedures are performed by the respiratory care practitioner.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician assistant licensed under chapter 18.71A RCW.

~~((3))~~ (4) "Respiratory care practitioner" means an individual licensed under this chapter.

~~((4))~~ (5) "Secretary" means the secretary of health or the secretary's designee.

Sec. 4. RCW 18.89.040 and 2011 c 235 s 2 are each amended to read as follows:

(1) A respiratory care practitioner licensed under this chapter is employed in the treatment, management, diagnostic testing, rehabilitation, disease prevention, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other systems, and is under the direct written, verbal, or telephonic order and under the qualified medical direction of a health care practitioner. The practice of respiratory care includes:

(a) The use and administration of prescribed medical gases, exclusive of general anesthesia, including the administration of

nitrous oxide for analgesia under the direct supervision of a health care practitioner;

- (b) The use of air and oxygen administering apparatus;
 - (c) The use of humidification and aerosols;
 - (d) The administration, to the extent of training, as determined by the secretary, of prescribed pharmacologic agents, including any medications administered via a nebulizer, related to ~~((respiratory))~~ cardiopulmonary care;
 - (e) The use of mechanical ventilatory, hyperbaric, and physiological support;
 - (f) Postural drainage, chest percussion, and vibration;
 - (g) Bronchopulmonary hygiene;
 - (h) Cardiopulmonary resuscitation as it pertains to advanced cardiac life support or pediatric advanced life support guidelines;
 - (i) The maintenance of natural and artificial airways and insertion, without cutting tissues, of artificial airways, as prescribed by a health care practitioner;
 - (j) Diagnostic and monitoring techniques such as the collection and measurement of cardiorespiratory specimens, volumes, pressures, and flows;
 - (k) The insertion of devices to draw, analyze, infuse, or monitor pressure in arterial, capillary, or venous blood as prescribed by a health care practitioner; ~~((and))~~
 - (l) Diagnostic monitoring of and therapeutic interventions for desaturation, ventilatory patterns, and related sleep abnormalities to aid the health care practitioner in diagnosis. This subsection does not prohibit any person from performing sleep monitoring tasks as set forth in this subsection under the supervision or direction of a licensed health care provider;
 - (m) Acting as an extracorporeal membrane oxygenation specialist for the purposes of extracorporeal life support and extracorporeal membrane oxygenation in all critical areas, including the operating room, only if a respiratory therapist has obtained specialized education and training as determined by the secretary. Programs meeting the extracorporeal life support organization guidelines for training and continuing education of extracorporeal membrane oxygenation specialists shall be considered sufficient to meet the specialized education requirement. For the purposes of this subsection, extracorporeal membrane oxygenation specialist duties do not include the conduct and management of cardiopulmonary bypass, the incorporation of venous reservoirs, or cardiotomy suction during extracorporeal membrane oxygenation therapy; and
 - (n) Cardiopulmonary stress testing, including the administration of medications used during cardiopulmonary stress testing.
- (2) Nothing in this chapter prohibits or restricts:
 - (a) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice, that may overlap the services provided by respiratory care practitioners;
 - (b) The practice of respiratory care by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and rules of the United States;
 - (c) The practice of respiratory care by a person pursuing a supervised course of study leading to a degree or certificate in respiratory care as a part of an accredited and approved educational program, if the person is designated by a title that clearly indicates his or her status as a student or trainee and limited to the extent of demonstrated proficiency of completed curriculum, and under direct supervision;
 - (d) The use of the title "respiratory care practitioner" by registered nurses authorized under chapter 18.79 RCW; or
 - (e) The practice without compensation of respiratory care of a family member.

Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person licensed under this chapter.

Sec. 5. RCW 18.89.050 and 2004 c 262 s 13 are each amended to read as follows:

- (1) In addition to any other authority provided by law, the secretary may:
 - (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;
 - (b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;
 - (c) Establish forms and procedures necessary to administer this chapter;
 - (d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure;
 - (e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;
 - (f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the licensure examination, specifically requiring that applicants must have completed an accredited respiratory program with at least a two-year curriculum;
 - (g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for licensure;
 - (h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination;
 - (i) Determine which states have legal credentialing requirements equivalent to those of this state and issue licenses to individuals legally credentialed in those states without examination;
 - (j) Define and approve any experience requirement for licensure; ~~((and))~~
 - (k) Appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060; and
 - (1) Define training requirements and hospital protocols for respiratory care therapists to administer nitrous oxide.
 - (2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of licenses, unlicensed practice, and the disciplining of persons licensed under this chapter. The secretary shall be the disciplining authority under this chapter.
- Sec. 6.** RCW 18.89.090 and 1997 c 334 s 8 are each amended to read as follows:
- (1) The secretary shall issue a license to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:
 - (a) Graduation from a school approved by the secretary or successful completion of alternate training which meets the criteria established by the secretary;
 - (b) ~~((Successful))~~ (i) For licenses issued prior to the effective date of this section, successful completion of an examination administered or approved by the secretary.
 - (ii) For licenses issued on or after the effective date of this section, successful completion of both an examination administered or approved by the secretary and a clinical

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

simulation examination administered or approved by the secretary. The secretary may deem an applicant in compliance with this subsection (1)(b)(ii) if the applicant possesses an active credential in good standing as a registered respiratory therapist issued by a national organization such as the national board for respiratory care, if one of the requirements for the issuance of the credential is passage of the examinations required by this subsection (1)(b)(ii);

(c) Successful completion of any experience requirement established by the secretary;

(d) Good moral character.

In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

~~(2) ((A person who meets the qualifications to be admitted to the examination for licensure as a respiratory care practitioner may practice as a respiratory care practitioner under the supervision of a respiratory care practitioner licensed under this chapter between the date of filing an application for licensure and the announcement of the results of the next succeeding examination for licensure if that person applies for and takes the first examination for which he or she is eligible.~~

~~(3) A person certified as a respiratory care practitioner in good standing on July 1, 1998, who applies within one year of July 1, 1998, may be licensed without having completed the two-year curriculum set forth in RCW 18.89.050(1)(f), and without having to retake an examination under subsection (1)(b) of this section.~~

~~(4)) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.~~

NEW SECTION. Sec. 7. Section 2 of this act expires July 1, 2022.

NEW SECTION. Sec. 8. Section 3 of this act takes effect July 1, 2022.

NEW SECTION. Sec. 9. Sections 1, 2, and 4 through 6 of this act take effect January 1, 2022."

On page 1, line 1 of the title after "practitioners;" strike the remainder of the title and insert "amending RCW 18.89.010, 18.89.020, 18.89.040, 18.89.050, and 18.89.090; reenacting and amending RCW 18.89.020; providing effective dates; and providing an expiration date."

MOTION

Senator Muzzall moved that the following floor amendment no. 489 by Senator Muzzall be adopted:

Beginning on page 1, line 19, strike all of section 2

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

On page 7, beginning on line 5, strike all of sections 7 through 9 and insert the following:

"NEW SECTION. Sec. 6. This act takes effect July 1, 2022."

On page 7, beginning on line 13, after "18.89.090;" strike all material through "date." on line 15 and insert "and providing an effective date."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 489 by Senator Muzzall on page 1, line 19 to the committee striking amendment.

The motion by Senator Muzzall carried and floor amendment no. 489 was adopted by voice vote.

Senator Cleveland spoke in favor of adoption of the committee

striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care as amended to Substitute House Bill No. 1383.

The motion by Senator Cleveland carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1383, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1383 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1383, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1383, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1393, by Representatives Shewmake, Ramel, Lekanoff and Duerr

Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, House Bill No. 1393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1393.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1393 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford, Padden, Schoesler and Wilson, J.

HOUSE BILL NO. 1393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1491, by Representatives Orcutt, Fitzgibbon and Lekanoff

Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 1491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1491.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1491 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1491, 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: “Well, in case anybody didn’t know, the number one team in the entire 3rd Legislative District and the # 1 team in the entire United States of America is playing tomorrow in the Elite 8 for a birth to the Final Four, and I’d appreciate the recognition and that you prominently give and the support that you give to this team and urge the body’s support of Gonzaga tomorrow in the Elite 8. Thank you.”

President Heck: “At 4:15 p.m. I believe Senator Billig. So, there will be no floor action presumably at 4:15”

MOTION

At 12:20 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Tuesday, March 30, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

1044-S2		Third Reading Final Passage	12
Committee Report.....	1	1521-S.E	
1068-S.E		Committee Report.....	2
Second Reading	4	1838-S	
Third Reading Final Passage	4	Second Reading	11
1078-S.E		5021	
Messages	2	Messages	2
President Signed.....	3	5055-S	
1107-S		Messages.....	2
Committee Report.....	1	5058	
1109-S.E		Messages	2
Other Action.....	6	5077	
Second Reading	4, 6	Messages	2
Third Reading Final Passage	7	5083	
1114-S		Committee Report.....	1
Messages	2	Other Action.....	2
President Signed.....	3	5084	
1151-S		Committee Report.....	1
Messages	2	Other Action.....	2
President Signed.....	3	5165	
1157-S2		Second Reading	2
Messages	2	5165-S	
1206-S		Other Action.....	3
Second Reading	8	Second Reading	2, 3
Third Reading Final Passage	8	Third Reading Final Passage	3
1237		5179-S	
Second Reading	9	Messages	2
Third Reading Final Passage	9	5198	
1274-S2.E		Messages.....	2
Second Reading	7	5232	
Third Reading Final Passage	8	Other Action.....	3
1277-S2.E		Second Reading	3
Messages	2	5232.E	
1332-S.E		Third Reading Final Passage	4
Committee Report.....	1	5267-S	
1383-S		Messages.....	2
Other Action.....	11	5322	
Second Reading	9	Messages	2
Third Reading Final Passage	11	5338	
1393		Messages	2
Second Reading	11	CHAPLAIN OF THE DAY	
Third Reading Final Passage	12	Tynan, Father Peter, Saint Martin's	
1480-S2.E		University, Lacey	1
Second Reading	8	FLAG BEARERS	
Third Reading Final Passage	8	Washington State Patrol Honor Guard	1
1491		GUESTS	
Second Reading	12	Becker-Brown, Mr. Jensen, Pledge of	

Allegiance 1
 Sturgeon, Miss Annika, Pledge of Allegiance
 1

WASHINGTON STATE SENATE
 Personal Privilege, Senator Billig..... 12