SEVENTY THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia Wednesday, March 24, 2021

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Paiton Jensen led the Senate in the Pledge of Allegiance. Miss Jensen, a student at Lake Washington High School, is a guest of Senator Dhingra.

Bishop Daniel Mueggenborg, Auxiliary Bishop of the Catholic Archdiocese of Seattle offered the prayer.

MOTIONS

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

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

MOTION

Senator Warnick moved adoption of the following resolution:

SENATE RESOLUTION 8615

By Senators Warnick, Holy, Honeyford, Nobles, Hasegawa, and Wilson, L.

WHEREAS, In June of this year, James L. Gaudino will conclude twelve and a half very successful years of service to the state as president of Central Washington University; and

WHEREAS, President Gaudino's leadership has been instrumental in overcoming some of the most challenging times of the 129-year history of CWU; and

WHEREAS, During the Great Recession President Gaudino's budget management avoided mass layoffs and actually increased financial stability of the university; and

WHEREAS, He led the modernization and digitization of 14 business processes, from procurement to human resources, reducing the time and cost of administrative processes; and

WHEREAS, His intense focus on creating a welcoming and inclusive campus climate has resulted in CWU being the most diverse public university in the state, and the only university to earn the Higher Education Excellence in Diversity award in six of the past seven years; and

WHEREAS, The overhaul of campus technology and datamanagement systems has given CWU the ability to better inform planning and decisions; and

WHEREAS, President Gaudino has modernized budget and management processes, and shifted the planning horizon from one to six years in order to ensure sustainable and accountable university management; and

WHEREAS, His modernization of enrollment management allowed CWU to recover from Great Recession enrollment drops and become one of the fastest growing institutions in the country; and

WHEREAS, He has expanded educational opportunities by

launching online degree programs and establishing instructional sites in Sammamish and at Joint Base Lewis-McChord; and

WHEREAS, President Gaudino's insistence on scienceinformed pandemic strategies and close partnerships with local public health officials created a safe, low-transmission learning environment and has resulted in no serious illnesses to date from COVID:

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate extend to Dr. James L. Gaudino their sincere thanks for his service to the people of Washington and his work to expand educational opportunities for the citizens of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Dr. James L. Gaudino and the Board of Trustees of Central Washington University.

Senators Warnick, Liias, Honeyford, Wellman and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

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

MOTION

At 1:48 p.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.

The Senate was called to order at 3:13 p.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2021

<u>SB 5126</u> Prime Sponsor, Senator Carlyle: Concerning the Washington climate commitment act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5126 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair, Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Mullet; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Van De Wege.

Referred to Committee on Rules for second reading.

March 23, 2021

<u>HB 1023</u> Prime Sponsor, Representative Steele: Concerning predesign requirements and thresholds. 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; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 23, 2021

E2SHB 1050 Prime Sponsor, Committee on Appropriations: Reducing greenhouse gas emissions from fluorinated gases. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato and Short.

Referred to Committee on Ways & Means.

March 23, 2021

SHB 1145 Prime Sponsor, Committee on Environment & Energy: Allowing the use of nonwood renewable fiber in recycled content paper carryout bags. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

March 23, 2021

<u>SHB 1155</u> Prime Sponsor, Committee on Finance: Concerning sales and use tax for emergency communication systems and facilities. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without

recommendation. Signed by Senator Gildon, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

March 23, 2021

<u>E2SHB 1186</u> Prime Sponsor, Committee on Appropriations: Concerning juvenile rehabilitation. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Dozier and McCune.

Referred to Committee on Ways & Means.

March 23, 2021

SHB 1193 Prime Sponsor, Committee on Environment & Energy: Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

March 23, 2021

<u>HB 1280</u> Prime Sponsor, Representative Ramel: Concerning greenhouse gas emissions reductions in the design of public facilities. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato; Sheldon and Short.

Referred to Committee on Rules for second reading.

March 23, 2021

E2SHB 1287 Prime Sponsor, Committee on Transportation: Concerning preparedness for a zero emissions transportation future. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato; Sheldon and Short.

Referred to Committee on Transportation.

March 23, 2021

ESHB 1326 Prime Sponsor, Committee on Local Government: Concerning coroners and medical examiners. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1331 Prime Sponsor, Committee on Local Government: Concerning early learning facility impact fees. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Assistant Ranking Member Short, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1333 Prime Sponsor, Committee on Finance: Providing an extension to the local sales and use tax for public facilities in rural counties. Reported by Committee on Ways & Means

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

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Chair; Carlyle; Hasegawa and Pedersen.

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

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1355 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning noxious weeds. Reported by Committee on Agriculture, Water, Natural Resources & Parks

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

Referred to Committee on Ways & Means.

March 23, 2021

<u>HB 1376</u> Prime Sponsor, Representative Fey: Concerning registration of land titles. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

March 23, 2021

<u>SHB 1423</u> Prime Sponsor, Committee on Environment & Energy: Concerning smoke management civil enforcement. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1446 Prime Sponsor, Committee on Environment & Energy: Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

March 23, 2021

HB 1495 Prime Sponsor, Representative Chapman: Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; 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; Conway; Darneille; Dhingra; Gildon; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair,

Capital; Carlyle; Hasegawa and Hunt.

Referred to Committee on Rules for second reading.

MOTION

Senator Liias moved that all measures listed on the Standing Committee report be referred to the committees as designated.

Senator Short moved to divide the question to amend the motion by Senator Liias and Senate Bill No. 5216 be considered separately.

Pursuant to Senate Rule No. 31, the motion was divided.

The President declared that the question before the Senate to be the motion by Senator Liias that the remainder of the measures on today's committee reports be referred to the committees as designated and the motion carried without objection.

The President declared that the question before the Senate be the motion by Senator Liias to refer Senate Bill No. 5126 to the Committee on Rules.

MOTION

Senator Short moved to amend the motion by Senator Liias and to instead refer Senate Bill No. 5126 to the Committee on Transportation.

Senator Short demanded a roll call.

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

Senator Short spoke in favor of the motion to amend the motion.

Senator Liias spoke against the motion to amend the motion.

The President declared the question before the Senate to be the motion by Senator Short to amend the motion by Senator Liias.

ROLL CALL

The Secretary called the roll on the adoption of the motion by Senator Short to amend the motion by Senator Liias and the motion was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

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

The President declared the question before the Senate to be the motion by Senator Liias to refer Senate Bill No. 5216 to the Committee on Rules and the motion carried without objection.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5476 by Senators Dhingra, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rivers, Robinson, Saldaña and Wellman

AN ACT Relating to addressing the State v. Blake decision; amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445, 69.41.030, 69.41.030, and 69.41.010; reenacting and amending RCW 69.50.101 and 69.41.010; adding a new section to chapter 10.77 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTIONS

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

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078, by House Committee on State Government & Tribal Relations (originally sponsored by Simmons, Young, Dolan, Berry, Fitzgibbon, J. Johnson, Wicks, Chopp, Wylie, Bateman, Ramos, Berg, Shewmake, Tharinger, Ramel, Ortiz-Self, Peterson, Gregerson, Walen, Goodman, Senn, Sells, Ryu, Valdez, Callan, Hackney, Morgan, Ormsby, Pollet, Riccelli, Taylor, Springer, Stonier, Lekanoff, Frame, Santos, Jacobsen, Macri, Davis, Bergquist and Harris-Talley)

Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections.

The measure was read the second time.

MOTION

Senator Fortunato moved that the following floor amendment no. 479 by Senator Fortunato be adopted:

On page 1, line 1 of the title, after "to" strike all material through "corrections" on line 3 and insert "allowing convicted felons to vote before they have finished the terms of their sentences"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 479 by Senator Fortunato on page 1, line 1 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Fortunato did not carry and floor amendment no. 479 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 480 by Senator Rivers be adopted:

On page 3, at the beginning of line 16, insert "includes the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to

chapter 71.09 RCW, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 6, at the beginning of line 9, insert "includes the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW"

On page 8, line 8, after "total confinement" insert "includes the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW"

POINT OF ORDER

Senator Liias: "Mr. President, I believe that amendment no. 480 impermissibly expands the scope and object of the underlying bill under discussion, and I'd like to make some remarks."

President Heck: "Please proceed."

Senator Liias: "Thank you Mr. President. I believe that amendment no. 480 expands both the scope and the object of the underlying bill for two reasons. First of all, the net effect of the amendment, if adopted, would be to actually take voting rights away from some portion of this population that currently has them. Clearly, the purpose of this bill is to expand voting rights so allowing an amendment that would actually restrict and strip folks of their voting rights is outside the scope and object of the current bill. The second reason I think that this amendment exceeds the object of the bill, and I'll just remind you that in the state constitution and in Rule 66 of our Senate rules we say clearly that amendments can't exceed expand the scope and object of the bill the purpose of this bill is to make it clear and you can read it throughout the bill that all people who are no longer in total confinement of the Department of Corrections would have their voting rights automatically restored and so by carving out small subsets of that it exceeds and expands and violates the purpose of the bill which is to look at all of these folks when they've left total confinement creating an automatic process for them to get their voting rights back so both because it strips some of their voting rights and because it impermissibly expands the object or changes the object of the bill I believe that this is in violation of our Senate rules and I'd ask you to rule it out of order."

President Heck: "Senator Rivers, do you wish to speak before the president takes us under advisement?"

Senator Rivers: "Well, Mr. President, thank you for this opportunity. You know I guess we've seen today how our rules are merely a guideline and I would say that in this instance there are a guideline as well. We are here today making a determination about the ability for individuals to be allowed to vote and that's what this amendment does. So, I, I think it's a good amendment. I think it's an important amendment for victims, for people of this state, for those who fear sexually violent predators and I feel like it should be, we should have debate and vote on it. Thank you, Mr. President."

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute House Bill No. 1078 was deferred, and the bill held its place on the second reading calendar.

Senator Hasegawa announced a meeting of the Democratic

Senator Rivers announced the Republican Caucus would wait for session to reconvene.

PARLIAMENTARY INQUIRY

Senator Braun: "I just want to know if the motion presented by Senator Liias is debatable?"

President Heck: "To go at ease?"

Senator Braun: "No, no, no. I'm sorry. The earlier, the challenge of scope of the bill. If that's debatable? I've asked that, I've been constantly pushing the point of inquiry for a while here."

REPLY BY THE PRESIDENT

President Heck: "Traditionally Senator Braun, the practice has been that there is an argument made, one each, on the respective sides."

Senator Braun: "Thank you, Mr. President."

MOTION

At 3:31 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:38 p.m. by President Heck.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1078 which it had deferred earlier in the day.

The question before the Senate was the Point of Order by Senator Liias.

RULING BY THE PRESIDENT

President Heck: "In considering the Point of Order raised by Senator Liias as to whether Amendment 480 by Senator Rivers impermissibly seeks to expand the Scope and Object of Engrossed Substitute House Bill No. 1078, the President finds, and rules follows:

The scope of Engrossed Substitute House Bill No. 1078 broadly relates to voting eligibility for persons convicted of a felony. It automatically restores the right to vote for a person convicted of a felony once they are no longer serving a sentence of total confinement under the jurisdiction of the Department of Corrections.

Amendment 480 before us seeks to prohibit sexually violent predators conditionally released to less restrictive alternatives from being registered to vote before their release from the Department of Correction's authority. First, the President notes that sexually violent predators conditionally released to less restrictive alternatives are not in the jurisdiction of the Department of Corrections; rather, they are under the jurisdiction of the Department of Social and Health Services. Many sexually violent predators who are conditionally released to less restrictive alternatives currently have their voting rights restored as part of their terms of release. The effect of Amendment 480 would therefore to be to both restrict the restoration of voting rights for some of these individuals, while taking away the existing voting rights of others.

As Senator Liias noted in his argument, Rule 66 requires that an amendment be within both the scope and the object of the underlying bill. Here, the object of the bill is much narrower than its scope and concerns the expansion of voting rights. Because Amendment 480 seeks to take away the existing right to vote from some sexually violent predators conditionally released to lesser restrictive alternative, the President finds the Amendment beyond the scope and object of the underlying bill.

The President also wishes to address the second part of Senator Liias' argument, relating to the carving out of the restoration of voting rights for certain individuals no longer serving total confinement. While not germane to the consideration of Amendment 480, the President wishes to provide the body with a better understanding of the President's approach to scope and object. Again, the object of the bill before us is to expand the group of individuals for whom voting rights will be restored. The President finds and rules it is proper to offer an amendment seeking to further define and qualify that class of individuals.

Based on the first issue, the President finds and rules that Amendment 480 is beyond the scope and object of Engrossed Substitute House Bill No. 1078. As reference was generally made to amendments not currently before the body, the President suggests that consideration of this ruling be made before raising any further objections."

REMARKS BY SENATOR RIVERS

Senator Rivers: "Thank you Mr. President. I just wanted to express my appreciation for your thoughtful consideration of the scope and object objection of Senator Liias and I agree with your decision. Thank you."

MOTION

Senator Short moved that the following floor amendment no. 481 by Senator Short be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as

a result of a conviction for a sex offense upon a child"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 6, line 11, after "confinement"" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

Senator Short spoke in favor of adoption of the amendment. Senator Short demanded a roll call.

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

Senators Short, Rivers, Schoesler, Wagoner, Ericksen and Fortunato spoke in favor of adoption of the amendment.

Senators Hunt, Kuderer and Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

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, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

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

MOTION

Senator Short moved that the following floor amendment no. 482 by Senator Short be adopted:

On page 3, at the beginning of line 16, insert "<u>includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507</u>, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 6, line 11, after "confinement"" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

Senators Short, Rivers, Ericksen and Gildon spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 482 by Senator Short on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Short did not carry and floor amendment no. 482 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 483 by Senator Warnick be adopted:

On page 3, at the beginning of line 16, strike "does not include" and insert "includes"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 6, at the beginning of line 9, strike "does not include" and insert "includes"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 8, line 8, after "total confinement" strike "does not include" and insert "includes"

On page 8, line 11, after "confinement"" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

Senators Warnick and Padden 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. 483 by Senator Warnick on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Warnick did not carry and floor amendment no. 483 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 484 by Senator Holy be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 5, line 5, after "confinement"" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

Senators Holy, Honeyford, Padden and Wagoner spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 484 by Senator Holy on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Holy did not carry and floor amendment no. 484 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 485 by Senator Wagoner be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 9, insert "includes community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040"

On page 8, line 8, after "total confinement" insert "includes community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040"

Senators Wagoner, Fortunato, Short and Brown spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 485 by Senator Wagoner on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Wagoner did not carry and floor amendment no. 485 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 486 by Senator Wagoner be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or

(2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 9, insert "includes community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040"

On page 8, line 8, after "total confinement" insert "includes community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040"

Senators Wagoner, Honeyford and Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

Senator Wagoner 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 Wagoner on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wagoner and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

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

MOTION

Senator Padden moved that the following floor amendment no. 491 by Senator Padden be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24

hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

Senator Padden spoke in favor of adoption of the amendment. Senator Kuderer spoke against adoption of the amendment. Senator Padden 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 3, line 16 to Engrossed Substitute House Bill No. 1078.

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, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

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

MOTION

Senator Wilson, L. moved that the following floor amendment no. 487 by Senator Wilson, L. be adopted:

On page 8, after line 12, insert the following:

"NEW SECTION. Sec. 9. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 5 of the title, after "RCW;" strike the remainder of the title and insert "providing an effective date; and providing for submission of this act to a vote of the people."

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

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 487 by Senator Wilson, L. on

page 8, line 12 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Wilson, L. did not carry and floor amendment no. 487 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Rivers and King spoke against passage of the bill.

REMARKS BY THE PRESIDENT

President Heck: "Senator King, excuse me. Senator King, your camera has been off, and viewers have been treated to a continuing visual presence of Senator Kuderer. We going to try and correct that. Please make sure your camera is turned on."

Senator King continued his remarks against passage of the bill. Senator Randall spoke in favor of passage of the bill.

Senators Wilson, J. and Gildon spoke against passage of the bill.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand, and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1078 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078, 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

On motion of Senator Randall, Senators Hobbs and Keiser were excused.

PERSONAL PRIVILEGE

Senator Sheldon: "Mr. President, I would have liked to speak on, spoken on the last bill. When the majority party calls for the question that is certainly their right, but there was a long debate on the amendments, I understand that. But I think..."

REPLY BY THE PRESIDENT

President Heck: "Senator Sheldon, I am sorry sir, that is not a point of personal privilege."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1151, by House Committee on Housing, Human Services & Veterans (originally sponsored by Leavitt, Shewmake, Peterson, Bronoske, Entenman, Stonier, Bateman, Chopp, Frame, Hackney, Callan, Pollet, Gregerson, Senn and J. Johnson)

Bolstering economic recovery.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 1151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille 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. 1151.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1151 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

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

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

Excused: Senators Hobbs and Keiser

SUBSTITUTE HOUSE BILL NO. 1151, 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. 1114, by House Committee on Environment & Energy (originally sponsored by Dye and Ramel)

Encouraging utility mitigation of urban heat island effects.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1114 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 Substitute House Bill No. 1114.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1114 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, 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, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hobbs and Keiser

SUBSTITUTE HOUSE BILL NO. 1114, 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 6:38 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Thursday, March 25, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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