

FORTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 26, 2021

The Senate was called to order at 10:03 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 with the exception of Senator Honeyford.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Rhys Nobles led the Senate in the Pledge of Allegiance. Mr. Nobles is the son of Senator Nobles.

The prayer was offered by Senator Rebecca Saldaña of the 37th Legislative District, Seattle.

REMARKS BY THE PRESIDENT

President Heck: "Thank you Senator Saldaña, both for those beautiful words and your presence here today. I know I speak on behalf of the entire Senate when I extend to you our deepest condolences and sympathies to you and to your family for your loss."

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

February 25, 2021

SB 5126 Prime Sponsor, Senator Carlyle: Concerning the Washington climate commitment act. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Fortunato and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Lovelett, Vice Chair and Sheldon.

Referred to Committee on Ways & Means.

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HB 1042 Prime Sponsor, Representative Thai: Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair;

Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

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SHB 1171 Prime Sponsor, Committee on Civil Rights & Judiciary: Amending child support income withholding provisions to comply with federal child support program requirements. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

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SGA 9196 JAMES M. MOHR, appointed on August 24, 2020, for the term ending June 17, 2022, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

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 first order of business.

INTRODUCTION AND FIRST READING

SB 5467 by Senator Fortunato

AN ACT Relating to sales tax exemptions on highway projects supported by moneys from the motor vehicle fund; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

2SHB 1028 by House Committee on Appropriations (originally sponsored by Bergquist, McCaslin, Dolan, Stonier and Pollet)

AN ACT Relating to evaluation and recommendation of candidates for residency teacher certification; amending RCW 28A.410.270 and 28A.410.2211; adding a new section to chapter 28A.410 RCW; creating new sections; repealing RCW 28A.410.280; providing an expiration date; and declaring an emergency.

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

ESHB 1068 by House Committee on State Government & Tribal Relations (originally sponsored by Dolan, Valdez, Kloba, Gregerson and Wylie)

AN ACT Relating to exempting election security information from public records disclosure; amending RCW 42.56.420; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Elections.

HB 1096 by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri

AN ACT Relating to nonmedicare plans offered through the Washington state health insurance pool; and amending RCW 48.41.100 and 48.41.160.

Referred to Committee on Health & Long Term Care.

SHB 1129 by House Committee on Health Care & Wellness (originally sponsored by Valdez, Stonier, Ortiz-Self, Goodman, Cody, Santos and Macri)

AN ACT Relating to the licensure of international medical graduates; and amending RCW 18.71.095.

Referred to Committee on Health & Long Term Care.

HB 1143 by Representatives Rude, Klicker, Eslick and Dent

AN ACT Relating to authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program; amending RCW 90.42.080; and declaring an emergency.

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

ESHB 1176 by House Committee on Education (originally sponsored by Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake)

AN ACT Relating to access to higher education; and amending RCW 28A.635.060 and 28A.225.330.

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

ESHB 1196 by House Committee on Health Care & Wellness (originally sponsored by Riccelli, Callan, Bateman, Ramos, Cody, Ortiz-Self, Duerr, Harris, Leavitt, Bergquist, Shewmake, Fitzgibbon, Macri, Tharinger, Slatter, Davis, Berg, Pollet, Orwall, Harris-Talley and Frame)

AN ACT Relating to audio-only telemedicine; amending RCW 41.05.700, 48.43.735, 70.41.020, 71.24.335, and 74.09.325; adding a new section to chapter 74.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SHB 1294 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Davis, Macri and Ormsby)

AN ACT Relating to misdemeanor supervision services by limited jurisdiction courts; amending RCW 4.24.760, 39.34.180, and 70.48.090; and reenacting and amending RCW 10.64.120.

Referred to Committee on Law & Justice.

SHB 1309 by House Committee on Finance (originally sponsored by Eslick, Ramel, Paul and Lekanoff)

AN ACT Relating to the dates of certification of levies; amending RCW 84.52.070 and 84.56.020; and creating a new section.

Referred to Committee on Housing & Local Government.

SHB 1331 by House Committee on Local Government (originally sponsored by Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter and Peterson)

AN ACT Relating to early learning facility impact fees; and amending RCW 82.02.060.

Referred to Committee on Housing & Local Government.

SHB 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)

AN ACT Relating to respiratory care practitioners; 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.

Referred to Committee on Health & Long Term Care.

SHB 1455 by House Committee on Labor & Workplace Standards (originally sponsored by Mosbrucker, Boehnke, Young, Sutherland and Jacobsen)

AN ACT Relating to the use of social security numbers by the department of labor and industries and the employment security department; adding a new section to chapter 43.22 RCW; and adding a new section to chapter 50.12 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1492 by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Macri, Lovick, Berry, Slatter, Thai, Pollet, Ormsby and Stonier)

AN ACT Relating to extended benefits in the unemployment insurance system; amending RCW 50.22.010; reenacting and amending RCW 50.22.020; adding a new section to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1493 by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Berry, Pollet and Ormsby)

AN ACT Relating to job search monitoring; amending RCW 50.20.240; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

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 eighth order of business.

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8611

By Senator Liias

WHEREAS, Steve K. Houle faithfully served as a Washington State Trooper for 28 years; and

WHEREAS, Steve was a devoted son to Howard and Terri, husband to Laurie, stepfather to Rachel, and father to Hayden and Connor, living and serving the State of Washington in his home region of Kittitas County; and

WHEREAS, In a tragic accident, Steve's life was cut short by an avalanche in the mountains near Cle Elum on February 8th, 2021; and

WHEREAS, Steve's supervisor, Sergeant Barry Pilkinton wrote "I will remember Steve not only as a co-worker but as my friend. A man that loved his wife, family and friends. He was passionate about the outdoors and we talked about hunting and fishing for hours. You didn't catch a bigger fish or win any sort of bet with Steve around. I will miss our adventures and his sense of humor. I will miss my friend."; and

WHEREAS, Steve was loved and respected by his friends and colleagues in the Washington State Patrol where he served more than seven years as a Commercial Vehicle Enforcement Officer, and then in the Commercial Vehicle Division (CVD) in Wenatchee for the rest of his exemplary career; and

WHEREAS, Steve's work in the CVD earned him the Ticketing Aggressive Cars and Trucks Trooper of the Year Award, one of the agency's highest honors and an accolade bestowed for a commitment to keeping Washington State's highways and roadways safe for all; and

WHEREAS, The State of Washington has lost a committed Trooper who exemplified professionalism and commitment to public service and his fellow Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Washington State Trooper Steve K. Houle as a father, husband, friend, and devoted servant to the people of Washington State and extends its deepest condolences to his family and community.

Senators Liias and Warnick spoke in favor of adoption of the resolution.

MOTION

On motion of Senator Wagoner, Senators Braun, Ericksen, Hawkins, Honeyford and King were excused.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8611.

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

REMARKS BY THE PRESIDENT

President Heck: "On behalf of our entire family, I extend to you our deepest gratitude."

MOTION

At 10:21 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.

PARLIAMENTARY INQUIRY

Senator Hawkins: "A point of clarification Mr. President."

President Heck: "State your point of inquiry, we don't have points of clarification."

Senator Hawkins: "I just wanted to reflect that I did vote for the resolution. I appreciated the speeches. I thank Senator Wagoner for excusing me, but I was present and voted. Thank you, Mr. President."

AFTERNOON SESSION

The Senate was called to order at 12:34 p.m. by President Heck.

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 2021

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1016,
- HOUSE BILL NO. 1031,
- SECOND SUBSTITUTE HOUSE BILL NO. 1044,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1069,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083,
- SUBSTITUTE HOUSE BILL NO. 1085,
- HOUSE BILL NO. 1104,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,
- SUBSTITUTE HOUSE BILL NO. 1114,
- HOUSE BILL NO. 1122,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141,
- SECOND SUBSTITUTE HOUSE BILL NO. 1148,
- SUBSTITUTE HOUSE BILL NO. 1151,
- SUBSTITUTE HOUSE BILL NO. 1162,
- HOUSE BILL NO. 1172,
- SECOND SUBSTITUTE HOUSE BILL NO. 1173,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274,
- SECOND SUBSTITUTE HOUSE BILL NO. 1359,
- SUBSTITUTE HOUSE BILL NO. 1363,
- SUBSTITUTE HOUSE BILL NO. 1373,
- SUBSTITUTE HOUSE BILL NO. 1391,

SUBSTITUTE HOUSE BILL NO. 1425,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1480,
 HOUSE BILL NO. 1491,
 SUBSTITUTE HOUSE BILL NO. 1508,
 and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5431, by Senators Randall, Nobles, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Keiser, Hunt, Honeyford, Holy, Liias, Lovelett, Nguyen, Padden, Robinson, Stanford, and Wilson, C.

Creating the Rosa Franklin legislative internship program scholarship.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy, Conway, King, Hawkins, Padden and Nobles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Braun and Honeyford

SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5367, by Senator Conway

Directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Braun and Honeyford

SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5325, by Senators Muzzall, Cleveland, Dozier, Frockt, Keiser, Randall, Rivers and Robinson

Concerning audio-only telemedicine.

MOTION

On motion of Senator Muzzall, Substitute Senate Bill No. 5325 was substituted for Senate Bill No. 5325 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Concerning telemedicine.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser,

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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.

Excused: Senators Braun and Honeyford

SUBSTITUTE SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5345, by Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall and Rivers

Establishing a statewide industrial waste coordination program.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, 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, 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 Braun and Honeyford

SENATE BILL NO. 5345, 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

Senator Lias moved that all members names be added to Senate Resolution No. 8611.

SECOND READING

SENATE BILL NO. 5052, by Senators Keiser, Randall, Cleveland, Conway, Das, Frockt, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Salomon and C. Wilson

Concerning the creation of health equity zones.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5052 was substituted for Senate Bill No. 5052 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Muzzall moved that the following floor amendment no. 204 by Senator Muzzall be adopted:

On page 2, line 4, after "specific purpose," strike "the" and insert "a two-year health equity zone pilot project is established. The"

On page 3, beginning on line 20, after "2023," strike "and every two years thereafter,"

On page 3, line 22, after "each" strike "zone and" and insert "zone,"

On page 3, line 24, after "project success" insert ", and recommendations for continuing the program"

On page 3, after line 33, insert the following:

"(9) This section expires January 1, 2024."

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

On page 1, line 2 of the title, after "section" insert "; and providing an expiration date"

Senator Muzzall spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 204 by Senator Muzzall on page 2, line 4 to Second Substitute Senate Bill No. 5052.

The motion by Senator Muzzall did not carry and floor amendment no. 204 was not adopted by voice vote.

MOTION

Senator Muzzall moved that the following floor amendment no. 205 by Senator Muzzall be adopted:

On page 2, line 10, after "to identify" strike ", or allow communities to self-identify,"

On page 2, beginning on line 12, after "zone." strike all material through "zones." on line 14

On page 2, beginning on line 15, after "(2)" strike all material through "(3)" on line 17

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 22, after "(4)" strike "Communities that self-identify zones or the" and insert "The"

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

Senators Cleveland and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 205 by Senator Muzzall on page 2, line 10 to Second Substitute Senate Bill No. 5052.

The motion by Senator Muzzall did not carry and floor amendment no. 205 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 206 by Senator Short be adopted:

On page 2, line 14, after "zones." insert "A health equity zone may not be established unless approved by the local health jurisdiction in which the zone is located."

On page 2, beginning on line 20, after "determine" strike "the number of health equity zones and"

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

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 206 by Senator Short on page 2, line 14 to Second Substitute Senate Bill No. 5052.

The motion by Senator Short did not carry and floor amendment no. 206 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 207 by Senator Wilson, L. be adopted:

On page 2, beginning on line 37, after "organization" strike all material through "zone" on line 38 and insert "whose mission is addressing health disparities and inequality"

Senator Wilson, L. spoke on adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, floor amendment no. 207 by Senator Wilson, L. on page 2, line 37 to Second Substitute Senate Bill No. 5052 was withdrawn.

MOTION

Senator Warnick moved that the following floor amendment no. 208 by Senator Warnick be adopted:

On page 3, line 8, after "services;" insert "and"

On page 3, beginning on line 9, after "efforts" strike all material through "health" on line 11

Senator Warnick spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 208 by Senator Warnick on page 3, line 8 to Second Substitute Senate Bill No. 5052.

The motion by Senator Warnick did not carry and floor amendment no. 208 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 209 by Senator Rivers be adopted:

On page 3, line 12, after "department" strike "must" and insert "may"

On page 3, line 14, after "zones;" insert "and"

On page 3, line 17, after "success" strike "; and" and insert "."

On page 3, line 18, strike "(c) Subject" and insert "(7) The department must provide, subject"

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

Senator Rivers spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the

adoption of floor amendment no. 209 by Senator Rivers on page 3, line 12 to Second Substitute Senate Bill No. 5052.

The motion by Senator Rivers did not carry and floor amendment no. 209 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 210 by Senator Short be adopted:

On page 3, line 25, after "section" strike "'health" and insert ", the following definitions apply unless the context clearly requires otherwise:

(a) "Health"

On page 3, after line 33, insert the following:

"(b) "Communities" means any city, town, county, or other political subdivision of the state."

Senator Short spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 210 by Senator Short on page 3, line 25 to Second Substitute Senate Bill No. 5052 was withdrawn.

MOTION

Senator Wagoner moved that the following floor amendment no. 211 by Senator Wagoner be adopted:

On page 3, line 33, after "disparities." insert "Documented health disparities must be documented or identified by the department or the centers for disease control and prevention."

Senators Wagoner and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 211 by Senator Wagoner on page 3, line 33 to Second Substitute Senate Bill No. 5052.

The motion by Senator Wagoner carried and floor amendment no. 211 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

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

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

Excused: Senators Braun and Honeyford

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052, 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.

STATEMENT FOR THE JOURNAL

I had wished to vote No on Engrossed Second Substitute Senate Bill No. 5052 but was unable to adjust my vote in the remote voting system in time for the final recorded vote.

SENATOR Hawkins, 12th Legislative District

SECOND READING

SENATE BILL NO. 5118, by Senators Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña, and Wilson, C.

Supporting successful reentry.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 124 by Senator Rivers be adopted:

On page 3, after line 11, insert the following:

"(8) The state must fully reimburse local jurisdictions for all costs related to the resolution of juvenile warrants under this section."

Senator Rivers spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 124 by Senator Rivers on page 3, line 11 to Substitute Senate Bill No. 5118.

The motion by Senator Rivers did not carry and floor amendment no. 124 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 133 by Senator Padden be adopted:

On page 3, after line 34, insert the following: "(c) The department may not attempt to site new community residential facilities east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community residential facilities on the western side of the crest of the Cascade mountain range."

Senators Padden and Billig spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 133 by Senator Padden on page 3, line 34 to Substitute Senate Bill No. 5118.

The motion by Senator Padden carried and floor amendment

no. 133 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5118.

REMARKS BY THE PRESIDENT

President Heck: "The President notes that Senator Darneille was not available to join us due to technological issues and she will be excused."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

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

Voting nay: Senators Brown, Dozier, Ericksen, Hawkins, King, McCune, Muzzall, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Braun, Darneille and Honeyford

ENGROSSED SUBSTITUTE SENATE BILL NO. 5118, 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.

STATEMENT FOR THE JOURNAL

On February 26, 2021 during debate on SB 5118, my internet connection was severed. I was an active debate participant, as chair of the Human Services, Reentry, and Rehabilitation Committee (committee of origin) and prime sponsor. I request that my affirmative vote on this bill be included in the Journal.

SENATOR Darneille, 27th Legislative District

SECOND READING

SENATE BILL NO. 5009, by Senators Padden, Pedersen, Brown, McCune and Mullet

Enacting the uniform public expression protection act.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5009 was substituted for Senate Bill No. 5009 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.
 Senator Pedersen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Braun, Darneille and Honeyford

SUBSTITUTE SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5396, by Senators Lovelett, Saldaña, Conway, Das, Kuderer, Nguyen, and Wilson, C.

Expanding the sales and use tax exemption for farmworker housing.

MOTION

On motion of Senator Lovelett, Second Substitute Senate Bill No. 5396 was substituted for Senate Bill No. 5396 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fortunato moved that the following floor amendment no. 220 by Senator Fortunato be adopted:

On page 2, beginning on line 23, after "business." strike all material through "services." on line 26 and insert "In order to qualify for the exemption in this section, the person seeking the exemption must attest that the farmworker housing will be made available to both United States workers and foreign workers in accordance with Washington laws against discrimination and applicable federal regulations governing farmworker visa programs."

Senators Fortunato and Warnick 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. 220 by Senator Fortunato on page 2, line 23 to Second Substitute Senate Bill No. 5396.

The motion by Senator Fortunato did not carry and floor amendment no. 220 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 221 by Senator Fortunato be adopted:

On page 4, line 4, strike all of subsection (7)

On page 5, line 5, strike all of subsection (7)

On page 1, line 3 of the title, after "section;" strike the remainder of the title and insert "and providing an effective date."

Senators Fortunato and Warnick 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. 221 by Senator Fortunato on page 4, line 4 to Second Substitute Senate Bill No. 5396.

The motion by Senator Fortunato failed and floor amendment no. 221 was not adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Second Substitute Senate Bill No. 5396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Warnick and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5396.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5396 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

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

Voting nay: Senators Brown, Ericksen, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner and Wilson, L.

Excused: Senators Braun and Honeyford

SECOND SUBSTITUTE SENATE BILL NO. 5396, 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 2:11 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 River announced a meeting of the Republican Caucus.

The Senate was called to order at 3:09 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5228, by Senators Randall, Liias, Das, Lovelett, Nobles, Wilson, C., Darneille, Hasegawa, Keiser, Kuderer, Nguyen and Robinson

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Addressing disproportionate health outcomes by building a foundation of equity in medical training.

MOTION

On motion of Senator Randall, Substitute Senate Bill No. 5228 was substituted for Senate Bill No. 5228 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 199 by Senator Honeyford on page 2, line 5 to Substitute Senate Bill No. 5228 was withdrawn.

MOTION

Senator Fortunato moved that the following floor amendment no. 200 by Senator Fortunato be adopted:

Beginning on page 2, line 34, strike all of section 3
On page 1, beginning on line 2 of the title, after "adding" strike "new sections" and insert "a new section"

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

Senator Randall spoke against adoption of the amendment.

Senator Gildon spoke on the adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 200 by Senator Fortunato on page 2, line 34 to Substitute Senate Bill No. 5228.

The motion by Senator Fortunato did not carry and floor amendment no. 200 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 241 by Senator Brown be adopted:

On page 2, at the beginning of line 36, strike "(1)"

On page 3, beginning on line 1, after "develop" strike all material through "websites." on line 13 and insert "a dashboard confirming the school's commitment to holistic review in their admissions process. The dashboard must convey applicants' and admitted students' experiences, attributes, and academic metrics as well as what the applicant or admitted student may contribute to the medical field. Each dashboard must be made available on each school's respective website as of January 1, 2025. The dashboard must demonstrate, in aggregate, the experiences or characteristics of admitted students that are linked to that individual's likelihood of success as a student and as a physician."

Senator Brown spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Thanks Mr. President. I thought there was an audio mix-up, but it looks like the problem has been resolved. Thank you."

The President declared the question before the Senate to be the adoption of floor amendment no. 241 by Senator Brown on page 2, line 36 to Substitute Senate Bill No. 5228.

The motion by Senator Brown did not carry and floor amendment no. 241 was not adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Holy spoke in favor of passage of the bill. Senator Fortunato spoke against passage of the bill.

POINT OF ORDER

Senator Liias: "Mr. President, the bill before us is addressing the disproportionate health outcomes in medical training. I believe the speaker has strayed quite far from those comments and would ask you to ask him to direct his comments to the substance of the bill."

RULING BY THE PRESIDENT

President Heck: "Thank you Senator Liias. Senator Fortunato, please keep your remarks to the substance of the policy proposal before us and please be mindful of the words that are chosen. You may proceed."

Senators Fortunato, Brown, and Ericksen spoke against passage of the bill.

POINT OF ORDER

Senator Liias: "Thank you Mr. President. The speaker is now speaking about the city of Seattle's internal trainings which have nothing to do with the foundation of equity in medical training. So, I would ask you to suggest that the senator confine his remarks to the subject of Substitute Senate Bill No. 5228."

RULING BY THE PRESIDENT

President Heck: "Once again Senator Liias, your point is well taken. I want to pause here a little bit and ask everybody to understand the sensitivity of the subject matter and how it is that the words that we use can be hurtful. The question before the Senate is Senate Bill No. 5228, please be mindful of your words."

Senator Ericksen resumed his remarks.

REMARKS BY THE PRESIDENT

President Heck: "We are going to pause here for a minute."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

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

Voting nay: Senators Braun, Brown, Dozier, Ericksen,

Fortunato, Hawkins, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.
Excused: Senator Honeyford

SUBSTITUTE SENATE BILL NO. 5228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5258, by Senators Cleveland, Robinson, Das, Nguyen, Saldaña, and Wilson, C.

Concerning consumer directed employers.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5258 was substituted for Senate Bill No. 5258 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.
Senator Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5258.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: 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, Sheldon, Stanford, Van De Wege, Wagoner, Wellman and Wilson, C.

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

Excused: Senator Honeyford

SUBSTITUTE SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5313, by Senators Liias, Randall, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Stanford, Van De Wege, and Wilson, C.

Concerning health insurance discrimination.

MOTION

On motion of Senator Liias, Second Substitute Senate Bill No. 5313 was substituted for Senate Bill No. 5313 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Muzzall moved that the following floor amendment no. 201 by Senator Muzzall be adopted:

On page 3, at the beginning of line 5, strike "2022" and insert "2023"

On page 3, line 39, after "December 1." strike "2021" and insert "2022"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 201 by Senator Muzzall on page 3, line 5 to Second Substitute Senate Bill No. 5313.

The motion by Senator Muzzall did not carry and floor amendment no. 201 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 202 by Senator Fortunato be adopted:

On page 3, after line 26, insert the following:

"(e) Gender affirming treatment shall not be provided to any individual under 18 years old."

On page 5, after line 21, insert the following:

"(8) Gender affirming treatment shall not be provided to any individual under 18 years old."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 202 by Senator Fortunato on page 3, line 26 to Second Substitute Senate Bill No. 5313.

The motion by Senator Fortunato did not carry and floor amendment no. 202 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 203 by Senator Fortunato be adopted:

On page 3, line 35, after "nonbinary." insert "and"

On page 3, beginning on line 35, after "intersex" strike ", and other gender diverse"

On page 5, line 19, after "transgender," insert "and"

On page 5, line 19, after "nonbinary" strike ", and other gender diverse"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 203 by Senator Fortunato on page 3, line 35 to Second Substitute Senate Bill No. 5313.

The motion by Senator Fortunato did not carry and floor amendment no. 203 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 5313 was advanced to third reading,

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the second reading considered the third and the bill was placed on final passage.

Senators Liias and Randall spoke in favor of passage of the bill. Senators Muzzall, Wilson, L. and Fortunato spoke against passage of the bill.

MOTION

On motion of Senator Wagoner, Senator McCune was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5313.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: 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, Sheldon, Stanford, Van De Wege, Wellman, Wilson, C. and Wilson, J.

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

Excused: Senators Honeyford and McCune

SECOND SUBSTITUTE SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5376, by Senators Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña

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

MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 5376 was substituted for Senate Bill No. 5376 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

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

Voting nay: Senators Ericksen, Padden and Schoesler

Excused: Senators Honeyford and McCune

SUBSTITUTE SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5158, by Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner

Concerning the utility wildland fire prevention advisory committee.

The measure was read the second time.

MOTION

Senator Hawkins moved that the following floor amendment no. 179 by Senator Hawkins be adopted:

On page 3, line 19, after "to the" strike "utility wildland fire prevention" and insert "wildland fire"

On page 3, line 20, after "committee" insert "established in RCW 76.04.179"

Senator Hawkins spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 179 by Senator Hawkins on page 3, line 19 to Senate Bill No. 5158.

The motion by Senator Hawkins carried and floor amendment no. 179 was adopted by voice vote.

MOTION

On motion of Senator Hawkins, the rules were suspended, Engrossed Senate Bill No. 5158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins, Van De Wege and Carlyle 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. 5158.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, 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.

Absent: Senator Darneille

Excused: Senators Honeyford and McCune

ENGROSSED SENATE BILL NO. 5158, 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, Senator Darneille was excused.

SECOND READING

SENATE BILL NO. 5003, by Senators Keiser, Conway, Kuderer, Randall, Saldaña, Stanford, and Wilson, C.

Enacting the living donor act.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5003 was substituted for Senate Bill No. 5003 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Muzzall and Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5003.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5003 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, 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.

Excused: Senators Darneille, Honeyford and McCune

SUBSTITUTE SENATE BILL NO. 5003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5383, by Senators Wellman, Short, Hunt, King, Lovelett, Nguyen, Randall, Saldaña, Warnick, Wilson, C., and Wilson, L.

Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions.

MOTION

On motion of Senator Wellman, Second Substitute Senate Bill No. 5383 was substituted for Senate Bill No. 5383 and the substitute bill was placed on the second reading and read the

second time.

Revised for 2nd Substitute: Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 196 by Senator Short on page 1, line 2 to Second Substitute Senate Bill No. 5383 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 195 by Senator Short on page 4, line 9 to Second Substitute Senate Bill No. 5383 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 198 by Senator Short on page 5, line 21 to Second Substitute Senate Bill No. 5383 was withdrawn.

MOTION

Senator Schoesler moved that the following floor amendment no. 197 by Senator Schoesler be adopted:

On page 4, line 10, after "area" insert "within the district's limits"

On page 5, line 19, after "area" insert "within the district's limits"

On page 5, line 23, after "area" insert "within the district's limits"

On page 8, line 4, after "area" insert "within the district's limits"

On page 9, line 11, after "area" insert "within the district's limits"

On page 9, line 15, after "area" insert "within the district's limits"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 197 by Senator Schoesler on page 4, line 10 to Second Substitute Senate Bill No. 5383.

The motion by Senator Schoesler did not carry and floor amendment no. 197 was not adopted by voice vote.

On motion of Senator Wellman, the rules were suspended, Second Substitute Senate Bill No. 5383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Short, Warnick, King, Rivers, and Sheldon spoke in favor of passage of the bill.

Senators Schoesler and Hawkins 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?"

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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 Second Substitute Senate Bill No. 5383.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

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

Voting nay: Senators Dozier, Hawkins and Schoesler

Excused: Senators Darneille, Honeyford and McCune

SECOND SUBSTITUTE SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5439, by Senators Saldaña, Kuderer, Lovelett and Nguyen

Facilitating the coordinated installation of broadband along state highways.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 5439 was substituted for Senate Bill No. 5439 and the substitute bill was placed on the second reading and read the second time.

Senator Saldaña moved that the following striking floor amendment no. 147 by Senator Saldaña be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Increasing broadband access to unserved areas of the state provides a public benefit to the citizens of Washington by allowing full participation in society and the modern economy, and enabling access to health care, education, and essential services, including public safety;

(b) Achieving affordable and quality broadband access for all Washingtonians will require sustained investment, research, local and community participation, and partnerships between private, public, and nonprofit entities;

(c) Providing for additional coordination across sectors to increase broadband access in unserved areas is in the best interest of the state; and

(d) Expanding broadband access, especially broadband conduit along roadways, provides commensurate benefits to the transportation system and motor vehicle users in terms of reducing congestion by allowing for more telework, and laying the foundation for a transportation system increasingly more reliant on autonomous vehicles.

(2) Therefore, the legislature intends to expand broadband access to unserved areas throughout the state by increasing broadband infrastructure coordination opportunities, including

collaboration between the statewide broadband office and the department of transportation, proactively facilitating installation of infrastructure during state road construction projects and studying recommendations related to the department of transportation's role in broadband service expansion efforts.

Sec. 2. RCW 43.330.532 and 2019 c 365 s 3 are each amended to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility for unserved communities and populations.

Sec. 3. RCW 43.330.534 and 2019 c 365 s 4 are each amended to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160 with seeking federal funding or matching grants and other grant opportunities for deploying broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in RCW 43.155.165.

(5) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies.

Sec. 4. RCW 43.330.538 and 2019 c 365 s 6 are each amended to read as follows:

(1) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction over broadband policy and finance on the office's activities during the previous two years.

(2) The report must, at a minimum, contain:

(a) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

(b) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

(c) An overview of incumbent broadband infrastructure within the state;

(d) A summary of the office's activities in coordinating broadband infrastructure development with the department of transportation and the public works board, including a summary of funds awarded under RCW 43.155.160;

(e) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under RCW 43.330.536; and

(f) Any proposed legislative and policy initiatives.

NEW SECTION. Sec. 5. A new section is added to chapter 47.44 RCW to read as follows:

(1) The department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned state highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist.

(2) If no owners are ready or able to participate in coordination of the installation of broadband infrastructure concurrently with state highway projects, the department may enlist its contractors to install broadband conduit as part of road construction projects in order to directly benefit the transportation system and motor vehicle users by:

(a) Reducing future traffic impacts to the traveling public on the roadway;

(b) Supporting the vehicle miles traveled reduction and congestion management goals of the state by allowing for more telework; or

(c) Proactively preparing the transportation system for the widespread development and use of autonomous vehicles.

(3) Broadband facility owners must first obtain a franchise granted by the department pursuant to RCW 47.44.010 and 47.44.020 before installing broadband facilities within the department's conduit. The costs for installation and maintenance of such broadband facilities shall be the responsibility of the broadband facility owner.

(4) As used in this section:

(a) "Broadband conduit" means a conduit used to support broadband infrastructure, including fiber optic cables.

(b) "Broadband infrastructure" has the same meaning as in

RCW 43.330.530.

Sec. 6. RCW 47.52.001 and 2004 c 131 s 1 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) (~~(Personal wireless service)~~) Broadband, which includes a range of high-speed transmission technologies, including fiber optic lines and personal wireless service facilities, is a critical part of the state's infrastructure. The rapid deployment of (~~(personal wireless service)~~) broadband facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities, and to (~~(assure)~~) ensure that the use of rights-of-way of limited access facilities accommodate the deployment of (~~(personal wireless service)~~) broadband facilities consistent with these interests. In furtherance of this policy, the department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned limited access highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist. Coordination between the department and broadband facilities under this section must comply with applicable state and federal law including, but not limited to, chapter 47.44 RCW and RCW 47.04.045.

NEW SECTION. Sec. 7. (1) Subject to the availability of amounts appropriated for this specific purpose in the omnibus transportation appropriations act, the joint transportation committee shall oversee a consultant study to recommend:

(a) An effective department of transportation strategy, and specific state highway corridors, that could be used to address missing fiber connections and inadequate broadband service in parts of the state underserved by broadband facilities;

(b) The most promising planning and financing tools that could be used by the department of transportation to provide the state with greater ability to install conduit in anticipation of future broadband fiber occupancy by others;

(c) Opportunities for mutually beneficial partnerships between the department of transportation and broadband service providers that could provide broadband services for transportation purposes such as intelligent transportation systems, cooperative automated transportation/autonomous vehicles, transportation demand management, and highway maintenance activities; and

(d) Strategies for the mitigation of potential safety, operations, and preservation impacts to transportation related to the recommendations made in (a) through (c) of this subsection.

(2) The study must also include an examination of any state and federal laws and regulations that could prevent or limit the implementation of these recommendations, as well as recommendations for modifications to the applicable state laws and regulations.

(3) The joint transportation committee shall consult with the department of transportation, the Washington statewide broadband office, and other state agencies and local jurisdictions, as necessary, during development of the study's recommendations to ensure the relevance and applicability of the recommendations to the state.

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Sec. 8. RCW 47.44.010 and 2001 c 201 s 5 are each amended to read as follows:

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph (~~and~~), fiber optic, electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right-of-way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment."

On page 1, line 2 of the title, after "highways;" strike the remainder of the title and insert "amending RCW 43.330.532, 43.330.534, 43.330.538, 47.52.001, and 47.44.010; adding a new section to chapter 47.44 RCW; and creating new sections."

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 striking floor amendment no. 147 by Senator Saldaña to Substitute Senate Bill No. 5439.

The motion by Senator Saldaña carried and striking floor amendment no. 147 was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5439.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, 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.

Absent: Senator Ericksen

Excused: Senators Darneille, Honeyford and McCune

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, 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.

REMARKS BY SENATOR LIAS

Senator Liias: "I will just note, on a historic note, because Senator Sheldon and so many others have delved into the history of our state today, that Sunday is the 20th anniversary of the Nisqually earthquake. So, I am pleased to report that the only earth-shaking things happening this Sunday are the great Senate bills heading over to the House."

MOTION

At 5:24 p.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Monday, March 1, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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