

FORTY FIFTH DAY, FEBRUARY 22, 2023

2023 REGULAR SESSION

FORTY FIFTH DAY**MORNING SESSION**Senate Chamber, Olympia
Wednesday, February 22, 2023

The Senate was called to order at 10:30 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Morgan Palumbo and Mr. Grayson Goodman, presented the Colors.

Page Miss Julia Peterson led the Senate in the Pledge of Allegiance.

The prayer was offered by Cantor Geoffrey Fine of Temple Beth El, a Union for Reform Judaism congregation, Tacoma.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

February 20, 2023

SB 5080 Prime Sponsor, Senator Saldaña: Expanding and improving the social equity in cannabis program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5080 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Billig; Conway; Dhingra; Hasegawa; Hunt; Keiser; Nguyen; Pedersen; Saldaña; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Vice Chair, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke; Braun; Muzzall and Torres.

Referred to Committee on Rules for second reading.

February 20, 2023

SB 5243 Prime Sponsor, Senator Wellman: Concerning high school and beyond planning. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5243 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Rivers,

Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig; Conway; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Nguyen; Pedersen; Saldaña; Torres; Van De Wege; Wagoner and Wellman.

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

Referred to Committee on Rules for second reading.

February 20, 2023

SB 5268 Prime Sponsor, Senator Hasegawa: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5268 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig; Boehnke; Conway; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Nguyen; Pedersen; Saldaña; Torres; Van De Wege; Wagoner and Wellman.

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

Referred to Committee on Rules for second reading.

MOTIONS

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

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

INTRODUCTION AND FIRST READING

SB 5754 by Senator Boehnke

AN ACT Relating to ownership of agricultural real estate; and amending RCW 64.16.005.

Referred to Committee on Law & Justice.

SB 5755 by Senators Boehnke and Lovick

AN ACT Relating to unmanned aircraft or unmanned aircraft system use by state and local agencies; adding a new section to chapter 43.17 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

MOTIONS

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

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Stanford moved that Lekha Fernandes, Senate Gubernatorial Appointment No. 9246, be confirmed as a Director of the Office of Minority and Women's Business Enterprises.

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

APPOINTMENT OF LEKHA FERNANDES

The President declared the question before the Senate to be the confirmation of Lekha Fernandes, Senate Gubernatorial Appointment No. 9246, as a Director of the Office of Minority and Women's Business Enterprises.

The Secretary called the roll on the confirmation of Lekha Fernandes, Senate Gubernatorial Appointment No. 9246, as a Director of the Office of Minority and Women's Business Enterprises and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Salomon

Lekha Fernandes, Senate Gubernatorial Appointment No. 9246, having received the constitutional majority was declared confirmed as a Director of the Office of Minority and Women's Business Enterprises.

MOTION

On motion of Senator Nobles, Senator Salomon was excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator MacEwen moved that Milton Doumit, Senate Gubernatorial Appointment No. 9320, be confirmed as a member of the Utilities and Transportation Commission.

Senators MacEwen, Nguyen, Lias and Short spoke in favor of passage of the motion.

APPOINTMENT OF MILTON H. DOUMIT

The President declared the question before the Senate to be the confirmation of Milton Doumit, Senate Gubernatorial Appointment No. 9320, as a member of the Utilities and Transportation Commission.

The Secretary called the roll on the confirmation of Milton H. Doumit, Senate Gubernatorial Appointment No. 9320, as a member of the Utilities and Transportation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Mr. Milton H. Doumit, Senate Gubernatorial Appointment No. 9320, having received the constitutional majority was declared confirmed as a member of the Utilities and Transportation Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 5077, by Senators Pedersen and Wagoner

Concerning the uniform commercial code.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5077 was substituted for Senate Bill No. 5077 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5077, 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

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SENATE BILL NO. 5170, by Senators Hunt, Kuderer, Wilson, J., Hasegawa and Wilson, C.

Concerning funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations.

MOTIONS

On motion of Senator Hunt, Substitute Senate Bill No. 5170 was substituted for Senate Bill No. 5170 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 5170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. 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. 5170.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Schoesler

SUBSTITUTE SENATE BILL NO. 5170, 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. 5292, by Senators Randall, Rolfes, MacEwen, Lias, Lovick, Nguyen and Nobles

Addressing the access of certain aquatic lands by a public transportation benefit area.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Muzzall 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. 5292.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5292, 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. 5306, by Senators Short, Van De Wege, Nobles and Stanford

Authorizing the department of fish and wildlife to establish disease interdiction and control check stations.

MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 5306 was substituted for Senate Bill No. 5306 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Substitute Senate Bill No. 5306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short 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. 5306.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5306 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5306, 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. 5296, by Senators Nobles, Van De Wege, Billig, Boehnke, Braun, Cleveland, Conway, Fortunato, Holy, Hunt, Lovick, Rivers, Robinson, Stanford, Wagoner, Wellman and Wilson, C.

Concerning interruptive military service credit for members of the state retirement systems.

The measure was read the second time.

MOTION

On motion of Senator Nobles, the rules were suspended, Senate Bill No. 5296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator 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. 5296.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5296 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5296, 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. 5347, by Senators Wagoner, Pedersen, Dhingra, Kuderer and Wilson, C.

Concerning access to abstract driving records.

The measure was read the second time.

MOTION

On motion of Senator Wagoner, the rules were suspended, Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wagoner 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. 5347.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5347, 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. 5392, by Senators Schoesler and Pedersen

Concerning overpayments for certain matters.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5392.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5392 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5392, 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. 5705, by Senators Stanford, Dozier and Hasegawa

Concerning the administration of the legislative committee on economic development and international relations.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford 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. 5705.

ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5705, 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. 5272, by Senators Liias, King, Kuderer, Nguyen, Nobles, Saldaña and Wilson, C.

Concerning speed safety camera systems on state highways.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5272 was substituted for Senate Bill No. 5272 and the substitute bill was placed on the second reading and read the second time.

Senator Liias moved that the following amendment no. 0050 by Senators King and Liias be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence, except as provided in RCW 46.09.485;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of an automated traffic safety camera under RCW 46.63.170; ~~((or))~~

(e) When the infraction is detected through the use of an automated school bus safety camera under RCW 46.63.180; or

(f) When the infraction is detected through the use of a speed safety camera system under section 3 of this act.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and

disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering—Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 2. RCW 46.63.075 and 2012 c 83 s 6 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under RCW 46.63.170 ~~((or))~~, detected through the use of a speed safety camera system under section 3 of this act, or detected through the use of an automated school bus safety camera under RCW 46.63.180, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW 46.63.170, section 3 of this act, and 46.63.180, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW to read as follows:

(1) This section applies to the use of speed safety camera systems in state highway work zones.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

(3)(a) The department of transportation is responsible for all actions related to the operation and administration of speed safety camera systems in state highway work zones including, but not limited to, the procurement and administration of contracts necessary for the implementation of speed safety camera systems and the mailing of notices of infraction. By July 1, 2024, the department of transportation, in consultation with the Washington state patrol, department of licensing, office of administrative hearings, Washington traffic safety commission, and other organizations committed to protecting civil rights must adopt rules addressing such actions and take all necessary steps to implement this section.

(b) The Washington state patrol is responsible for all actions related to the enforcement and adjudication of speed violations under this section including, but not limited to, notice of infraction verification and issuance authorization, and determining which types of emergency vehicles are exempt from being issued notices of infraction under this section. By July 1, 2024, the Washington state patrol, in consultation with the department of transportation, department of licensing, office of administrative hearings, Washington traffic safety commission,

and other organizations committed to protecting civil rights must adopt rules addressing such actions and take all necessary steps to implement this section.

(c) When establishing rules under this subsection (3), the department of transportation and the Washington state patrol may also consult with other public and private agencies that have an interest in the use of speed safety camera systems in state highway work zones.

(4) Beginning July 1, 2024:

(a) A notice of infraction may only be issued under this section if a speed safety camera system captures a speed violation in a state highway work zone when workers are present. A notice of infraction under this section may be mailed to the registered owner of the vehicle within 30 days of the violation, or to the renter of a vehicle within 30 days of establishing the renter's name and address. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by a speed safety camera stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this section. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the violation. A person receiving a notice of infraction based on evidence detected by a speed safety camera system may, within 30 days of receiving the notice of infraction, remit payment in the amount of the penalty assessed for the violation. If a person receiving a notice of infraction fails to remit payment in the amount of the penalty assessed within 30 days of receiving the notice of infraction, or if such person wishes to dispute the violation, it must be adjudicated in accordance with (b) of this subsection.

(b) A notice of infraction that has not been timely paid or a disputed notice of infraction shall be referred to the office of administrative hearings for adjudication consistent with chapter 34.05 RCW.

(c) Speed safety camera systems may only take photographs, microphotographs, or electronic images of the vehicle and vehicle license plate and only while a speed violation is occurring. The photograph, microphotograph, or electronic image must not reveal the face of the driver or any passengers in the vehicle. The department of transportation shall consider installing speed safety camera systems in a manner that minimizes the impact of camera flash on drivers.

(d) The registered owner of a vehicle is responsible for a traffic infraction under RCW 46.63.030 unless the registered owner overcomes the presumption in RCW 46.63.075 or, in the case of a rental car business, satisfies the conditions under (h) of this subsection. If appropriate under the circumstances, a renter identified under (h)(i) of this subsection is responsible for the traffic infraction.

(e) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of the Washington state patrol and department of transportation in the discharge of duties under this section and are not open to the public and may not be used in court in a pending action or proceeding unless the action or proceeding relates to a speed violation under this section. This data may be used in administrative appeal proceedings relative to a violation under this section.

(f) All locations where speed safety camera systems are used must be clearly marked before activation of the camera system by placing signs in locations that clearly indicate to a driver that they

are entering a state highway work zone where posted speed limits are monitored by a speed safety camera system. Signs placed in these locations must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(g) Speed violations detected through the use of speed safety camera systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(h) If the registered owner of the vehicle is a rental car business, the department of transportation shall, before a notice of infraction may be issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 30 days of receiving the written notice, provide to the issuing agency by return mail:

(i)(A) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the speed violation occurred;

(B) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the speed violation occurred because the vehicle was stolen at the time of the violation. A statement provided under this subsection (4)(h)(i)(B) must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(C) In lieu of identifying the vehicle operator, payment of the applicable penalty.

(ii) Timely mailing of a statement to the department of transportation relieves a rental car business of any liability under this chapter for the notice of infraction.

(5) Revenue generated from the deployment of speed safety camera systems must be deposited into the highway safety fund and first used exclusively for the operating and administrative costs under this section. The operation of speed safety camera systems is intended to increase safety in state highway work zones by changing driver behavior. Consequently, any revenue generated that exceeds the operating and administrative costs under this section must be distributed for the purpose of traffic safety including, but not limited to, driver training education and local DUI emphasis patrols.

(6) The Washington state patrol and department of transportation, in collaboration with the Washington traffic safety commission, must report to the transportation committees of the legislature by July 1, 2025, and biennially thereafter, on the data and efficacy of speed safety camera system use in state highway work zones. The final report due on July 1, 2029, must include a recommendation on whether or not to continue such speed safety camera system use beyond June 30, 2030.

(7) For the purposes of this section:

(a) "Speed safety camera system" means employing the use of speed measuring devices and cameras synchronized to automatically record one or more sequenced photographs, microphotographs, or other electronic images of a motor vehicle that exceeds a posted state highway work zone speed limit as detected by the speed measuring devices.

(b) "State highway work zone" means an area of any highway with construction, maintenance, utility work, or incident response activities authorized by the department of transportation. A state highway work zone is identified by the placement of temporary traffic control devices that may include signs, channelizing devices, barriers, pavement markings, and/or work vehicles with warning lights. It extends from the first warning sign or high intensity rotating, flashing, oscillating, or strobe lights on a vehicle to the end road work sign or the last temporary traffic control device or vehicle.

(8) This section expires June 30, 2030."

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On page 1, line 1 of the title, after "highways;" strike the remainder of the title and insert "amending RCW 46.63.030 and 46.63.075; adding a new section to chapter 46.63 RCW; and providing an expiration date."

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

The President declared the question before the Senate to be the adoption of amendment no. 0050 by Senators Liias and King to Substitute Senate Bill No. 5272.

The motion by Senator Liias carried and amendment no. 0050 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias 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. 5272.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Schoesler and Van De Wege

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, 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. 5623, by Senators Dhingra, Conway, Hasegawa, Kuderer, Liias, Lovelett, Nobles, Pedersen, Stanford and Wilson, C.

Modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following amendment no. 0029 by Senator Dhingra be adopted:

On page 2, at the beginning of line 22, strike "swastika" and insert "~~(swastika)~~ Nazi emblem, symbol, or hakenkreuz"

Senators Dhingra and Salomon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0029 by Senator Dhingra on page 2, line 22 to Senate Bill No. 5623.

The motion by Senator Dhingra carried and amendment no. 0029 was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Senate Bill No. 5623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5623.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5623 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

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

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

ENGROSSED SENATE BILL NO. 5623, 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. 5088, by Senators Keiser and King

Adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa,

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

SENATE BILL NO. 5088, 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. 5113, by Senators Warnick, Randall, Holy and Nguyen

Concerning faculty in dental schools.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Cleveland 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. 5113.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5113, 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. 5142, by Senators Liias, Rivers, Dhingra, Kauffman, Nobles, Trudeau, Valdez, Wilson, C. and Wilson, J.

Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5142 was substituted for Senate Bill No. 5142 and the substitute bill was placed on the second reading and read the second time.

Senator Liias moved that the following amendment no. 0049 by Senators Liias and Rivers be adopted:

On page 4, after line 21, insert the following:

"**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

On page 1, line 4 of the title, after "43.79A.040;" strike "and"

On page 1, line 5 of the title, after "RCW" insert "; providing an effective date; and declaring an emergency"

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

The President declared the question before the Senate to be the adoption of amendment no. 0049 by Senators Liias and Rivers on page 4, after line 21 to Substitute Senate Bill No. 5142.

The motion by Senator Liias carried and amendment no. 0049 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Rivers 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. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, 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. 5123, by Senators Keiser, Frame, Hunt, Kuderer, Mullet, Nguyen, Randall, Stanford, Van De Wege and Wellman

Concerning the employment of individuals who lawfully consume cannabis.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5123 was substituted for Senate Bill No. 5123 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, amendment

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no. 0053 by Senator King on page 2, line 22 to Substitute Senate Bill No. 5123 was withdrawn.

MOTION

Senator King moved that the following amendment no. 0055 by Senator King be adopted:

On page 2, line 22, after "industries" insert ", or any other safety sensitive position for which impairment while working presents a substantial risk of death. Such safety sensitive positions must be identified by the employer prior to the applicant's application for employment"

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

The President declared the question before the Senate to be the adoption of amendment no. 0055 by Senator King on page 2, line 22 to Substitute Senate Bill No. 5123.

The motion by Senator King carried and amendment no. 0055 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5123.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5123, 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. 5019, by Senators Wellman, Braun, Dhingra, Hunt, Keiser, Randall, Saldaña, Trudeau, Valdez and Wilson, C.

Concerning classified staff providing student and staff safety.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 5019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5019.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5019 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5019, 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. 5023, by Senators Wilson, J., Lovick, Kuderer, Lias and Wellman

Concerning roadside safety measures.

The measure was read the second time.

MOTION

On motion of Senator Wilson, J., the rules were suspended, Senate Bill No. 5023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, J., Lias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5023.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5023 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5023, 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.

adjourned until 12:30 p.m. Thursday, February 23, 2023.

DENNY HECK, President of the Senate

MOTION

At 12:24 p.m., on motion of Senator Pedersen, the Senate

SARAH BANNISTER, Secretary of the Senate

5019	5272-S
Second Reading	Second Reading
Third Reading Final Passage	5272-SE
5023	Third Reading Final Passage
Second Reading	5292
Third Reading Final Passage	Second Reading
5077	Third Reading Final Passage
Second Reading	5296
5077-S	Second Reading
Second Reading	Third Reading Final Passage
Third Reading Final Passage	5306-S
5080	Second Reading
Committee Report.....	Third Reading Final Passage
5088	5347
Second Reading	Second Reading
Third Reading Final Passage	Third Reading Final Passage
5113	5392
Second Reading	Second Reading
Third Reading Final Passage	Third Reading Final Passage
5123	5623
Second Reading	Second Reading
5123-S	5623-E
Other Action.....	Third Reading Final Passage
Second Reading	5705
5123-SE	Second Reading
Third Reading Final Passage	Third Reading Final Passage
5142	5754
Second Reading	Introduction & 1st Reading.....
5142-S	5755
Second Reading	Introduction & 1st Reading.....
5142-SE	9246 Fernandes, Lekha
Third Reading Final Passage	Confirmed
5170	9320 Doumit, Milton
Second Reading	Confirmed
5170-S	CHAPLAIN OF THE DAY
Second Reading	Fine, Cantor Geoffrey, Temple Beth El,
Third Reading Final Passage	Tacoma.....
5243	FLAG BEARERS
Committee Report.....	Goodman, Mr. Grayson
5268	Palumbo, Mr. Morgan.....
Committee Report.....	GUESTS
5272	Peterson, Miss Julia, Pledge of Allegiance... 1
Second Reading	