

**THIRTY SEVENTH DAY****NOON SESSION**

Senate Chamber, Olympia  
Tuesday, February 19, 2019

The Senate was called to order at 12:02 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

The President called upon the Secretary to read the journal of the preceding day.

**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 28, 2019

SB 5091 Prime Sponsor, Senator Wellman: Concerning state and federal special education funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5091 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Ways & Means.

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SB 5197 Prime Sponsor, Senator Hobbs: Concerning the Washington national guard postsecondary education grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

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

Referred to Committee on Rules for second reading.

February 18, 2019

SB 5223 Prime Sponsor, Senator Palumbo: Concerning net metering. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5223 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Bailey; Becker and Schoesler.

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

Referred to Committee on Rules for second reading.

March 1, 2019

SB 5354 Prime Sponsor, Senator Rivers: Concerning programs for highly capable students. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5354 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Ways & Means.

February 18, 2019

SB 5370 Prime Sponsor, Senator Keiser: Creating a state commercial aviation coordinating commission. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 18, 2019

SB 5382 Prime Sponsor, Senator Zeiger: Concerning tiny houses serving as accessory dwelling units. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 5382 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Fortunato; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 18, 2019

SB 5413 Prime Sponsor, Senator Keiser: Concerning the pipeline for paraeducators conditional scholarship program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5413 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 18, 2019

SB 5419 Prime Sponsor, Senator Hobbs: Providing an adjustment of vehicle service fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Lovelett; Nguyen; Padden; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

February 28, 2019

SB 5532 Prime Sponsor, Senator Braun: Concerning special education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Ways & Means.

February 26, 2019

SB 5572 Prime Sponsor, Senator Honeyford: Authorizing modernization grants for small school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5572 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Ways & Means.

February 18, 2019

SB 5574 Prime Sponsor, Senator Salomon: Concerning K-12 computer science education data. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 18, 2019

SB 5600 Prime Sponsor, Senator Kuderer: Concerning residential tenant protections. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 5600 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

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

Referred to Committee on Rules for second reading.

February 26, 2019

SB 5682 Prime Sponsor, Senator King: Allowing certain beer and wine license holders to sell small amounts of spirits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Conway; Hasegawa; Hunt; Keiser; Palumbo; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Van De Wege.

Referred to Committee on Ways & Means.

March 1, 2019

SB 5739 Prime Sponsor, Senator Sheldon: Promoting affordable housing in unincorporated areas of rural counties within urban growth areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5739 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

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

Referred to Committee on Ways & Means.

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SB 5746 Prime Sponsor, Senator Saldaña: Providing for adequate provisions for low-income homeownership opportunities. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Fortunato and Saldaña.

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

Referred to Committee on Rules for second reading.

February 18, 2019

SB 5748 Prime Sponsor, Senator Conway: Creating an account to support necessary infrastructure nearby military installations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen; Rivers; Schoesler and Van De Wege.

Referred to Committee on Rules for second reading.

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SB 5766 Prime Sponsor, Senator Conway: Addressing the methodology for establishing the prevailing rate of wages for the construction of affordable housing, homeless and domestic violence shelters, and low-income weatherization and home rehabilitation public works. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 18, 2019

SB 5808 Prime Sponsor, Senator King: Establishing the opportunities for employment in hospitality grant. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking

Member; Braun; Saldaña; Walsh and Wellman.

Referred to Committee on Ways & Means.

February 18, 2019

SB 5909 Prime Sponsor, Senator King: Concerning the license to manufacture, import, sell, and export liquor. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Walsh and Wellman.

Referred to Committee on Rules for second reading.

#### MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5682 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 13, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BILL KALLAPPA, appointed February 13, 2019, for the term ending January 12, 2023, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9277.

February 15, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ADAM L. AGUILERA, appointed February 14, 2019, for the term ending September 30, 2021, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9278.

#### MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5956 by Senators Warnick and Van De Wege  
AN ACT Relating to livestock inspection; and amending RCW 16.57.160 and 16.57.450.

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

SB 5957 by Senator Carlyle  
AN ACT Relating to strengthening consumer rights to personal property stored in self-storage units; amending RCW 19.150.040, 19.150.050, 19.150.060, and 19.150.150; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 5958 by Senators Lovelett and Nguyen  
AN ACT Relating to public works contracts and interlocal agreements by second-class cities and towns; and amending RCW 35.23.352.

Referred to Committee on Local Government.

SB 5959 by Senator Warnick  
AN ACT Relating to livestock identification; amending RCW 16.57.015, 16.57.020, 16.57.025, 16.57.160, 16.57.220, 16.57.450, 16.58.050, 16.58.130, 16.65.080, 16.65.037, 16.65.090, and 16.65.170; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Ways & Means.

SB 5960 by Senator Palumbo  
AN ACT Relating to higher education data and transparency; amending RCW 43.41.400; reenacting and amending RCW 43.88.160; adding a new section to chapter 28B.92 RCW; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 18.16 RCW; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5961 by Senators Saldaña, Kuderer and Dhingra  
AN ACT Relating to improving the equity and sustainability of Washington's tax structure; amending RCW 82.08.0206; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating a new section; prescribing penalties; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5958 which had been designated to the Committee on Ways & Means and was referred to the Committee on Local Government.

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

Senator Hasegawa moved adoption of the following resolution:

#### SENATE RESOLUTION 8620

By Senators Hasegawa, Hobbs, Brown, Wellman, Kuderer, Darneille, Das, Hunt, Salomon, Schoesler, Lovelett, Wilson, C., Billig, Saldaña, Zeiger, Frockt, and Palumbo

WHEREAS, Seventy-seven years ago, on February 19, 1942, during World War II, persons of Japanese, Korean, and Taiwanese ancestry, including United States citizens, were ordered to live in concentration camps and subject to a strict curfew; and

WHEREAS, Over 120,000 United States citizens and permanent residents of Japanese ancestry were required to leave their homes on the West Coast and submit to imprisonment based solely on their ancestry. This was required by Civilian Exclusion Order 34 which was authorized by President Franklin D. Roosevelt's Executive Order 9066; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family; allowed them only two suitcases of personal belongings; and transported them to hastily constructed detention centers, like Camp Harmony located in the horse stalls on the grounds of the Washington State Fair in Puyallup where they were held until more permanent concentration camps could be built in more remote locations, like Hunt, Idaho (Minidoka) and Tule Lake, California, which is where most Japanese Americans from the Puget Sound region were held; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States even though no evidence was ever presented to support such distrust; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans; and, from within those American concentration camps where they and their families were incarcerated, surrounded by barbed wire and armed guards, thousands responded to questions of their loyalty and patriotism by volunteering to serve in the segregated Army unit known as the 442nd Regimental Combat Team, which went on to amass a battle record unmatched in United States military history earning 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, a Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, 9,486 Purple Hearts, and a total of 16 decorations from the governments of France and Italy; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like Minoru Yasui; Fred Korematsu; and University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and challenging the constitutionality of the exclusion and incarceration orders. Korematsu and Hirabayashi were eventually awarded the Presidential Medal of Freedom for their principled actions and sacrifices; and

WHEREAS, In 1982, the Congressional Commission on Wartime Relocation and Internment of Civilians found "no military or security reason for the internment" of persons of

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Japanese ancestry. Rather, it found the denial of constitutional rights "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, In 1976, President Gerald Ford rescinded Executive Order 9066 saying, "I call upon the American people to affirm with me this American Promise—that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated"; and

WHEREAS, In 1979, newly elected Washington State Congressman Mike Lowry introduced H.R. 5977: The Civil Liberties Act of 1988, which was signed 10 years later by President Ronald Reagan who said, "So what is most important in this bill has less to do with property than with honor, for here, we admit a wrong. Here we reaffirm our commitment as a nation to equal justice under the law."; and

WHEREAS, In 2010, the United States Congress recognized the unparalleled record of Nisei soldiers by awarding the Congressional Gold Medal to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service (MIS) of the United States Army who fought in the Pacific Theater as interpreters and code breakers; and

WHEREAS, Throughout Washington State, survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps continue to live their golden years in quiet contrast to their extraordinary acts of patriotism, conscience, and valor;

NOW, THEREFORE, BE IT RESOLVED, That on this auspicious occasion of the 75th Anniversary of the signing of Executive Order 9066, the Washington State Senate, along with the people of Washington State, pause to acknowledge and reflect on the significance of Executive Order 9066 and its effect in denying constitutional freedoms and protections. We also reflect on our democracy's greatness in recognizing the need to correct this failure, the need for constant vigilance to protect our constitutional rights and freedoms; and

BE IT FURTHER RESOLVED, That we recognize the Japanese American internees, constitutional protectors, and

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World War II veterans from the state of Washington; honor their patience, heroism, sacrifice, and loyalty; and remember the lessons, rights, and responsibilities that come with the phrase, "liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, the Military Intelligence Service-Northwest Association, the Japanese American Citizens League National and Seattle Chapter, the Japanese Cultural and Community Center of Washington State, the Japanese American National Museum, and the Wing Luke Museum of the Asian Pacific American Experience.

Senators Hasegawa, Short, Liias, Saldaña and Carlyle spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

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

#### MOTION

At 12:19 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 20, 2019.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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