

FORTY THIRD DAY, FEBRUARY 20, 2023

2023 REGULAR SESSION

FORTY THIRD DAY**AFTERNOON SESSION**Senate Chamber, Olympia
Monday, February 20, 2023

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

REMARKS BY THE PRESIDENT

President Heck: "The President would like to observe that you all have never looked this good before."

The Sergeant at Arms Color Guard consisting of Pages Mr. Trygve Pedersen and Mr. Jacoby Corwin, presented the Colors. Page Miss Christine Zhang led the Senate in the Pledge of Allegiance. Rabbi Seth Goldstein of Temple Beth Hatfiloh, Olympia offered the prayer. Rabbi Goldstein was a guest of Lt. Governor Heck.

REMARKS BY THE PRESIDENT

President Heck: "The President indeed would like to welcome all the families and children here today. It makes it a very special day for all of us. However, there is one visitor for whom it is a special day in and of itself, the granddaughter of State Senator Steve Conway, Anna Conway, happens to be celebrating her 11th birthday. Happy Birthday Anna."

[The Senate applauded and wished Anna a Happy Birthday.]

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 fifth order of business.

INTRODUCTION AND FIRST READING

SB 5750 by Senator Wilson, J.

AN ACT Relating to the operating and maintenance deficit of the Wahkiakum county ferry; and amending RCW 47.56.720.

Referred to Committee on Transportation.

SB 5751 by Senators Lovick and Warnick

AN ACT Relating to modifying the definition of nonhighway vehicle for the purposes of chapter 46.09 RCW; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

SB 5752 by Senator Boehnke

AN ACT Relating to procurement requirements for joint operating agencies and their member districts; and amending RCW 43.52.560, 43.52.300, and 54.04.070.

Referred to Committee on Environment, Energy & Technology.

SCR 8404 by Senators Pedersen and Short

Convening a joint session for the purpose of receiving the address of H.E. Sauli Niinistö, President of the Republic of Finland.

ESHB 1361 by House Committee on Appropriations (originally sponsored by Abbarno, Rule, Reeves and Gregerson)

AN ACT Relating to updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures; amending RCW 42.16.010, 41.06.070, and 43.41.275; and reenacting and amending RCW 41.06.133.

Referred to Committee on State Government & Elections.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8404 which was placed on the Second Reading Calendar.

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

On motion of Senator Pedersen, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Hasegawa moved adoption of the following resolution:

**SENATE RESOLUTION
8618**

By Senators Hasegawa, Conway, Kuderer, Saldaña, Salomon, Short, Torres and Wagoner

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island, Washington less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to detention centers like Camp Harmony on the grounds of the Washington State Fair in Puyallup, where hastily converted horse stables housed the evacuated families; and

WHEREAS, These detention centers were temporary quarters

for the evacuees while the United States military department constructed 10 mass incarceration sites for Japanese Americans located in remote inland areas of the United States; and

WHEREAS, This drastic policy of removal and relocation allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; 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 Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets; experienced immeasurable physical and psychological harm as individuals and collectively as a community; and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a 10-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to acknowledge the 81st anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington; and to reflect on, and honor, the lessons, blessings, and responsibilities of the phrase ". . .with 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, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Senators Hasegawa, Fortunato and Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the

adoption of Senate Resolution No. 8618.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Toshiko Hasegawa, Executive Director of the Washington State Commission on Asian Pacific American Affairs, a member of the Seattle Port Commission and daughter of Senator Hasegawa and her husband Mr. Michael Charles who were in the wings.

MOTION

Senator Nobles moved adoption of the following resolution:

SENATE RESOLUTION 8619

By Senators Nobles, Conway, Kuderer, Saldaña, Salomon, Short, Torres and Wagoner

WHEREAS, Black History Month was established in February 1926 by Carter G. Woodson as Negro History Week and was later expanded to Afro-American History Month in 1976 in honor of the nation's bicentennial; and

WHEREAS, It was Carter G. Woodson's hope that, through this special observance, all Americans would be reminded of their own roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, For more than 300 years as part of an established system of slavery and human bondage, Black Americans toiled and survived, and then overcame the degradation and shame of this system to become contributors at every level of our public and private endeavors; and

WHEREAS, We honor the accomplishments and bravery of the first Black Washingtonians who braved the treacherous journey along the Oregon Trail to escape slave laws in the southern United States; among them George Washington Bush, a free born slave, continued to the territory north of the Columbia River that was free from the Oregon laws that banned Black Americans from settling in the territory south of the Columbia River; and

WHEREAS, George Washington Bush ended his journey in Tumwater to establish a farm; his son William Owen Bush in 1889 became the first Black American to serve in the Washington Territorial Legislature representing Thurston County; William Owen Bush helped write the first state law to establish the Washington State College in Pullman, now Washington State University; and

WHEREAS, Representatives Charles Stokes and Marjorie Pitter King were the first Black American man and woman to serve in the legislature following the proclamation of Washington statehood; and

WHEREAS, In the early 1900s, Jim Crow laws forced the first wave migration of Black Americans to Washington state with the majority of the population settling in the Central District neighborhood of Seattle, which contains one of the most diverse populations in the Pacific Northwest to the present day; and

WHEREAS, The second migration of 1940-1970 resulted in the largest migration of Black Americans fleeing the south to the Pacific Northwest for economic and social opportunities during the rapid industrialization of the American West, with many working for the war industries that led to the Allied Powers victory in World War II; and

WHEREAS, After World War II, Black Americans continued

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to struggle for upward class mobility such as decent housing, well-paying jobs, and quality education; returning military service members were denied their VA benefits once again after another major world conflict; these benefits could have potentially propelled millions of Black Americans out of poverty, but were instead shut out during one of the greatest economic expansions in United States history; and

WHEREAS, The desire to enjoy a life of freedom and liberty caused Black Americans to defy racial hostility, Jim Crow laws, and economic and social injustices; and

WHEREAS, That desire resulted in a decade of social and political unrest that is known as the Civil Rights Movement, whose tactics and rhetoric inspired countless other liberation and rights movements for marginalized and impoverished communities; and

WHEREAS, Resistance and struggle has inspired Black Americans to succeed and the idea of a more perfect union has left a positive legacy in American culture and society in education, medicine, industry, the military, religion, social sciences, philosophy, agriculture, engineering, and the arts; and

WHEREAS, Black Americans continue to contribute widely to the attainment of peace, equality, and justice, and all Americans deserve to know of the great moments and accomplishments of Black Americans; and

WHEREAS, Washington is a beautiful state, and America is a proud nation due to our recognition of the contributions made by many diverse populations and because of our ability to work together as a state dependent upon international peace, harmony, and cooperation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the African American citizens of this great country and their innumerable contributions and support the observance of the month of February as African American history month.

Senator Nobles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619.

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

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Pedersen and Short

Convening a joint session for the purpose of receiving the address of H.E. Sauli Niinistö, President of the Republic of Finland.

The measure was read the second time.

MOTION

On motion of Senator Nobles, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the

final passage of Senate Concurrent Resolution No. 8404.

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

SENATE CONCURRENT RESOLUTION NO. 8404 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Pedersen, and without objection, Senate Bill No. 5142 was placed on the Second Reading Calendar.

SECOND READING

SENATE BILL NO. 5257, by Senators Nobles, Wilson, C., Billig, Cleveland, Dozier, Frame, Hasegawa, Hunt, Liias, Lovelett, Lovick, Nguyen, Saldaña, Valdez and Wellman

Ensuring elementary school students receive sufficient daily recess.

MOTION

On motion of Senator Nobles, Substitute Senate Bill No. 5257 was substituted for Senate Bill No. 5257 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hawkins moved that the following floor amendment no. 0039 by Senator Hawkins be adopted:

On page 1, line 17, after "to" strike "set" and insert "encourage"

On page 2, at the beginning of line 7, strike "must provide daily recess" and insert "are encouraged to provide 30 minutes of daily recess within the school day"

On page 2, beginning on line 9, after "school." strike all material through "day." on line 10

On page 2, beginning on line 12, after "day" strike all material through "section" on line 13

On page 2, line 19, after "(b)" strike "Recess must be held" and insert "Public schools are encouraged to hold recess"

On page 2, line 22, after "recess" strike "required" and insert "provided"

On page 2, line 36, after "(iv)" strike "Require" and insert "Encourage"

On page 3, line 5, after "recess;" insert "and"

On page 3, beginning on line 6, after "(vi)" strike all material through "Prohibit" on line 8 and insert "Discourage"

On page 3, at the beginning of line 11, strike "must" and insert "are encouraged to"

On page 1, line 1 of the title, after "to" strike "ensuring" and insert "encouraging"

Senators Hawkins and Dozier spoke in favor of adoption of the amendment.

Senator Nobles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0039 by Senator Hawkins on page 1, line 17 to Substitute Senate Bill No. 5257.

The motion by Senator Hawkins did not carry and floor amendment no. 0039 was not adopted by voice vote.

MOTION

Senator Mullet moved that the following floor amendment no. 0046 by Senator Mullet be adopted:

On page 2, line 9, after "school." strike "Public" and insert "Except as provided in (b) of this subsection, public"

On page 2, line 11, after "(b)" insert "For the 2024-25 school year, the office of the superintendent of public instruction may waive the requirement in (a) of this subsection if a public school demonstrates that it is unable to comply with the requirement during that school year.

(c)"

Senators Mullet, Nobles and 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. 0046 by Senator Mullet on page 2, line 9 to Substitute Senate Bill No. 5257.

The motion by Senator Mullet carried and floor amendment no. 0046 was adopted by voice vote.

MOTION

Senator Mullet moved that the following floor amendment no. 0045 by Senator Mullet be adopted:

On page 2, line 10, after "day" insert "unless the school day is shorter than the regular school day as established by the school calendar"

On page 3, line 13, after "section" strike all material through "students" on line 15

Senators Mullet, Hawkins and Nobles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0045 by Senator Mullet on page 2, line 10 to Substitute Senate Bill No. 5257.

The motion by Senator Mullet carried and floor amendment no. 0045 was adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 0044 by Senator Schoesler be adopted:

On page 3, beginning on line 1, after "(v)" strike all material through "(vi)" on line 6

On page 3, at the beginning of line 8, strike "(vii)" and insert "(vi)"

Senators Schoesler and Hawkins spoke in favor of adoption of the amendment.

Senator Nobles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0044 by Senator Schoesler on page 3, line 1 to Substitute Senate Bill No. 5257.

The motion by Senator Schoesler failed and floor amendment no. 0044 was not adopted by voice vote.

MOTION

On motion of Senator Nobles, the rules were suspended, Engrossed Substitute Senate Bill No. 5257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Wilson, C. spoke in favor of passage of

the bill.

Senators Hawkins, Muzzall and Fortunato 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. 5257.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5257 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, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5257, 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. 5595, by Senators Wilson, J., Rolfes, Holy, Wilson, L., Lovick, Nguyen, Randall, Wilson, C., Valdez, Kuderer, Torres, Pedersen, Dhingra, Lovelett, Padden, Keiser, Muzzall, Short, Robinson, Schoesler, Dozier, Wagoner, Billig, Van De Wege, Warnick, Fortunato, Rivers, Braun, King, Gildon, Boehnke, McCune, Shewmake, Saldaña, Cleveland, Trudeau, Frame, Conway, Hasegawa and Hunt

Adopting the evergreen state as the state nickname.

The measure was read the second time.

MOTION

On motion of Senator Wilson, J., the rules were suspended, Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, J., Rolfes and Lovelett 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. 5595.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5595 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.

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SENATE BILL NO. 5595, 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.

At 1:43 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Tuesday, February 21, 2023.

DENNY HECK, President of the Senate

MOTION

SARAH BANNISTER, Secretary of the Senate

1361-S		Second Reading	3
Introduction & 1st Reading.....	1	8618	
5142		Adopted.....	2
Other Action.....	3	Introduced	1
5257		8619	
Second Reading	3	Adopted.....	3
5257-S		Introduced	2
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5257-SE		Goldstein, Mr. Seth, Rabbi, Temple Beth	
Third Reading Final Passage	4	Hatfiloh, Olympia	1
5595		FLAG BEARERS	
Second Reading	4	Corwin, Mr. Jacoby.....	1
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5750		GUESTS	
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Introduction & 1st Reading.....	1	Hasegawa, Ms. Toshiko, daughter of Senator	
5752		Hasegawa and Director of the Washington	
Introduction & 1st Reading.....	1	State Commission on Asian Pacific	
8404		American Affairs	2
Adopted.....	3	Zhang, Ms. Christine, Pledge of Allegiance .	1
Introduction & 1st Reading.....	1	PRESIDENT OF THE SENATE	
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