

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 9, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2023-4625, by Representatives Wilcox and Lekanoff

WHEREAS, Billy Frank Jr. was born March 9, 1931, to Willie Sr. and Angeline Frank. Frank Jr., a member of the Nisqually Tribe, grew up on six acres along the banks of the Nisqually River in Thurston County. Known as Frank's Landing, the property was purchased by Willie Frank after development of the Fort Lewis Army Base in 1917 drove the Nisqually people from their reservation; and

WHEREAS, Frank's formal education ended after he completed the ninth grade in Olympia, after which he worked in construction by day and fishing by night; and

WHEREAS, In 1952, at age 21, Frank fulfilled a dream to join the Marines, proudly serving in the Marine Corps for two years as an expert marksman; and

WHEREAS, Frank's father, Willie, and his predecessors, lived in a time of abundance, with strong salmon runs and plentiful clams, oysters, geoducks, wild berries, and camas roots. Frank was raised in the tradition of his ancestors, with stories of the land, the river, the salmon runs, and the art of preserving fish; and

WHEREAS, Binding promises made by the United States acknowledged, through treaties, the rights of tribes to take fish "at all usual and accustomed stations," and "in common with the citizens of the territory" of Washington; and

WHEREAS, These treaty rights were increasingly eroded during Frank's lifetime through commercial and recreational fishing by nontribal actors, and aggressive and unjust state and local policing of tribal fishing. Combined with expansive growth, construction, property development, and pollution further depleted the plentiful salmon and other natural resources which had traditionally sustained tribal people in Washington; and

WHEREAS, Frank began what became a lifetime of advocacy, leadership, and statesmanship in 1945, when he protested his arrest at age 14 by two game wardens, simply for fishing on the Nisqually River near his family's property. He would spend his lifetime challenging the state and nation to live up to its ideals; and

WHEREAS, By the mid 1960's Frank's Landing was a focal point for the assertion of treaty rights and tribal sovereignty. Over the next decade, Washington State would raid, arrest, and campaign against the fishing rights of Pacific Northwest tribes; and

WHEREAS, Throughout the 1960s and 1970s, Frank led historic "fish-ins," demonstrations, and acts of civil resistance with other tribal and nontribal leaders, insisting on the treaty rights guaranteed more than a century before. In attempting to defend his treaty rights Frank was arrested numerous times; and

WHEREAS, Growing public awareness of the unjust infringement upon tribal treaty fishing rights in Washington ultimately resulted in the historic litigation and decision issued in *United States v. Washington*, in which the Honorable George Boldt recognized tribal treaty fishing rights as the supreme law of the land; and

WHEREAS, Following the Boldt decision, Frank's leadership, humility, and dedication to consensus-building cut through initial, blatant disregard of the decision by state and local authorities and

citizens and the resulting hardship and anger that caused among the tribes; and

WHEREAS, Billy Frank Jr. resisted bitterness and confronted injustice in ways that built strength by bringing diverse groups of people with conflicting interests together; and

WHEREAS, At a time when he possessed the power to impose outcomes favoring one group at the expense of others, he remained steadfast in the fair and impartial defense of the rights of all landowners and natural resources businesses along the Nisqually River, earning the lasting goodwill of landowners in the Nisqually basin; and

WHEREAS, For more than 30 years, Frank served as Chairman of the Northwest Indian Fisheries Commission, created in 1975 to support the natural resource management activities of the 20 treaty Indian tribes in western Washington; and

WHEREAS, In March 2011, in honor of Frank's 80th birthday, the Billy Frank Jr. Salmon Forever Fund was established by Salmon Defense, "to honor and create permanence and action to the vision and work of Billy Frank Jr.;" and

WHEREAS, Over his lifetime Frank was honored with countless additional awards for his decades-long fight for justice and environmental preservation, including: The Common Cause Award for Human Rights Efforts, the Albert Schweitzer Prize for Humanitarianism, the American Indian Distinguished Service Award, the Wallace Stegner Award, the Washington State Environmental Excellence Award, and the 2015 Washington State Medal of Merit. In 2015, President Barack Obama named Frank Jr. posthumously as a recipient of the Presidential Medal of Freedom, the nation's highest official civilian honor; and

WHEREAS, Billy Frank Jr. died May 5, 2014, at the age of 83. Today, Chairman of the Nisqually Tribe Willie Frank III and his wife, Peggen, continue the work of both father and grandfather. A good life growing up at Frank's Landing instilled the dignity and respect that informed the principles and guidelines of their leadership. His family once said, "being with Billy is like floating on a steady, easy river. Billy's life is turbulent, but Billy is not. He's the happiest person I know. He's completely at peace with himself;" and

WHEREAS, In memory of what would have been Frank's 92nd birthday, we honor his vision to "tell your story, tell the truth, and stay the course" in the pursuit of community resilience and environmental stewardship. We reflect on the man known as an architect of consensus solutions. A man who brought previously contentious interest groups together, through genuine respect and endeavoring to heal wounds, and find resolution for the good of all people;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, That we reflect in gratitude on Billy Frank Jr., the man who taught us that no victory can last until the opposing sides can come together in agreement; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the family of Billy Frank Jr.

HOUSE RESOLUTION NO. 4625 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5504
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5634

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5015
ENGROSSED SUBSTITUTE SENATE BILL NO. 5267
ENGROSSED SENATE BILL NO. 5352
ENGROSSED SENATE BILL NO. 5691

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5032
SENATE BILL NO. 5084
SECOND SUBSTITUTE SENATE BILL NO. 5103
SECOND SUBSTITUTE SENATE BILL NO. 5269
SENATE BILL NO. 5340
SENATE BILL NO. 5363
SUBSTITUTE SENATE BILL NO. 5437
SUBSTITUTE SENATE BILL NO. 5448
SENATE BILL NO. 5487
ENGROSSED SUBSTITUTE SENATE BILL NO. 5528
ENGROSSED SUBSTITUTE SENATE BILL NO. 5546
SUBSTITUTE SENATE BILL NO. 5600
SUBSTITUTE SENATE BILL NO. 5652
SUBSTITUTE SENATE BILL NO. 5696

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

ESB 5022 by Senators Muzzall, Cleveland, Dhingra, Gildon, Hunt, Keiser, Kuderer, Mullet, Nobles, Van De Wege, Wilson, J. and Wilson, L.

AN ACT Relating to exempting fentanyl testing equipment from the definition of drug paraphernalia; and amending RCW 69.50.102.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5094 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Hasegawa, Kuderer, Nguyen, Pedersen and Salomon)

AN ACT Relating to adding a climate resilience element to water system plans; amending RCW 70A.125.180; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SB 5104 by Senators Salomon, Rolfes, Liias, Nobles, Pedersen and Stanford

AN ACT Relating to surveying Puget Sound marine shoreline habitat; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

E2SSB 5144 by Senate Committee on Ways & Means (originally sponsored by Stanford, Nguyen, Cleveland, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nobles, Pedersen, Rolfes, Valdez and Wilson, C.)

AN ACT Relating to providing for responsible environmental management of batteries; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

SSB 5145 by Senate Committee on Law & Justice (originally sponsored by Short, Salomon, McCune and Warnick)

AN ACT Relating to clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission; amending RCW 4.24.210; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

SB 5153 by Senators Valdez, Hunt, Nguyen and Wilson, C.

AN ACT Relating to uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries; amending RCW 29A.04.070, 29A.08.170, 29A.08.174, 29A.08.330, 29A.08.615, 29A.08.710, 29A.08.760, 29A.08.770, 29A.80.041, 46.20.155, 46.20.155, 42.56.230, 42.56.250, 29A.84.140, and 29A.84.140; reenacting and amending RCW 29A.08.720; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SSB 5171 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Trudeau, Hunt, Lovelett, Cleveland, Keiser, Wilson, C., Hasegawa, Saldaña, Conway, Frame, Kuderer, Nguyen, Nobles, Pedersen, Stanford, Valdez and Wellman)

AN ACT Relating to consumer gender discrimination; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Business.

SB 5180 by Senators Hunt, Hawkins and Mullet

AN ACT Relating to the interstate teacher mobility compact; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

ESSB 5186 by Senate Committee on Labor & Commerce (originally sponsored by Liias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to requiring antidiscrimination clauses in public contracting; amending RCW 39.26.245 and 39.04.160; and adding a new section to chapter 49.60 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5228 by Senators Dhingra, Hunt, Keiser, Lovelett, Lovick, Nguyen, Valdez and Wilson, C.

AN ACT Relating to providing occupational therapy services for persons with behavioral health disorders; amending RCW 71.24.385; and creating a new section.

Referred to Committee on Health Care & Wellness.

2SSB 5263 by Senate Committee on Ways & Means (originally sponsored by Salomon, Rivers, Saldaña, Nobles, Lovick, Lovelett, Hunt, Hasegawa, Mullet, Trudeau, Robinson, Pedersen, Wellman, Muzzall, Wilson, C., Kuderer, Keiser, Liias, Van De Wege, Billig, Conway and Frame)

AN ACT Relating to access to psilocybin services by individuals 21 years of age and older; adding a new chapter to Title 18 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5283 by Senator Van De Wege

AN ACT Relating to the waiver of the fundamentals examination for professional engineer and land surveyor licensing applicants by comity; and amending RCW 18.43.100.

Referred to Committee on Consumer Protection & Business.

E2SSB 5315 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Billig, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, Pedersen and Valdez)

AN ACT Relating to nonpublic agencies operating special education programs for students with disabilities; amending RCW 28A.155.090, 28A.155.060, 28A.155.210, 28A.600.485, and 28A.310.515; adding a new section to chapter 28A.155 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5316 by Senators Wilson, C., Billig and Nobles

AN ACT Relating to background check and licensing fees for programs administered by the department of children, youth, and families; amending RCW 43.43.837, 43.216.270, and 43.216.271; repealing RCW 43.216.272 and 43.216.273; repealing 2021 c 304 s 34 (uncodified); and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

2SSB 5425 by Senate Committee on Ways & Means (originally sponsored by Salomon, Keiser, Boehnke, Wilson, J. and Conway)

AN ACT Relating to fire protection sprinkler system contractors; amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.020, and 18.270.070; and adding a new section to chapter 18.160 RCW.

Referred to Committee on Labor & Workplace Standards.

2SSB 5438 by Senate Committee on Ways & Means (originally sponsored by Warnick, Boehnke, Braun, Dhingra, Van De Wege and Wilson, J.)

AN ACT Relating to facilitating supportive relationships with family and significant individuals within the behavioral health

system; adding a new section to chapter 71.24 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5460 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick and Van De Wege)

AN ACT Relating to collection of assessments for irrigation and rehabilitation districts; amending RCW 87.84.070; and creating a new section.

Referred to Committee on Local Government.

ESB 5534 by Senators Randall, Holy, Nobles and Wellman

AN ACT Relating to workforce education investment accountability and oversight board staffing changes; amending RCW 28C.18.200 and 28B.50.925; adding a new section to chapter 28B.77 RCW; and recodifying RCW 28C.18.200.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5561 by Senate Committee on Law & Justice (originally sponsored by Conway, Pedersen, Lovick, Dhingra, Hasegawa, Liias, Saldaña, Valdez and Wagoner)

AN ACT Relating to extending the expiration date of the law enforcement community engagement grant project; amending RCW 43.330.545; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5589 by Senate Committee on Law & Justice (originally sponsored by Stanford)

AN ACT Relating to probate; amending RCW 11.54.010, 11.54.030, 11.54.020, 11.54.040, 11.54.050, 11.54.060, 11.76.110, and 11.76.120; adding new sections to chapter 11.54 RCW; creating a new section; recodifying RCW 11.54.030; repealing RCW 11.54.070 and 11.54.080; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

ESB 5592 by Senators Hunt, Cleveland, Conway, Lovick, Randall, Valdez, Van De Wege and Wilson, C.

AN ACT Relating to requiring semiautomatic external defibrillators at fitness centers; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

SB 5629 by Senators Conway, Dhingra, Hasegawa, Nobles and Wilson, C.

AN ACT Relating to hepatitis B and hepatitis C screening and health care services; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5649 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Braun)

AN ACT Relating to improvements to residential structures to reduce risk of flood damage; amending RCW 86.16.041; and creating a new section.

Referred to Committee on Local Government.

ESB 5650 by Senators Rolfes, Robinson, Kuderer, Nguyen, Saldaña, Valdez and Wellman

AN ACT Relating to salary inflationary increases for K-12 employees; and amending RCW 28A.400.205.

Referred to Committee on Appropriations.

SB 5683 by Senators Kauffman, Hasegawa, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Saldaña, Schoesler, Stanford, Valdez and Wilson, C.

AN ACT Relating to child-specific foster care licenses for placement of an Indian child in the custody of a federally recognized tribe or the tribe's child placing agency; and amending RCW 74.15.125.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5714 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Wagoner and Wilson, L.)

AN ACT Relating to payments made for property taxes or special assessments by an automated check processing service; and amending RCW 84.56.020.

Referred to Committee on Local Government.

ESSB 5716 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers)

AN ACT Relating to certain surveys performed on in-home services agencies; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5725 by Senators Keiser, Conway, Nguyen and Valdez

AN ACT Relating to clarifying the application of the industrial welfare act and minimum wage act to airline cabin crews; amending RCW 49.46.130; reenacting and amending RCW 49.12.187; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Friday, March 10, 2023, the 61st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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