

THIRTY-FIRST DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 9, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Tessa Wyllie-Echeverria and Daniel Fox, presented the Colors. Pastor Jim Cammack of the Baha'i Assembly of Mason County offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 7, 2005

SB 5250 Prime Sponsor, Pridemore: Authorizing the department of general administration to enter into additional job order contracts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5354 Prime Sponsor, Doumit: Revising administration of flood control zone districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5700 Prime Sponsor, Haugen: Modifying hospital district funding. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR

February 8, 2005

TO THE HONORABLE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I respectfully request to have the attached list of unconfirmed Gubernatorial Appointees to the boards and commissions listed, be returned to the Governor for review.

Indeterminate Sentence Review Board:
Julie Garratt

Jeralita Costa

Industrial Insurance Board of Appeals
Thomas Eagan-chair
Calhoun Dickinson
Frank Fennerty

Pacific Northwest Power & Conservation Planning Council
Tom Karier

Personnel Appeals Board
Gerald Morgen
Walter Hubbard
Busse Nutley

Board of Tax Appeals
Shirley Winsley
Georgia Gardner

Washington State University Board of Regents
Joe King
Connie Niva
John Fabian
Chris Marr

Central Washington University Board of Trustees
Sid Morrison
Leslie Jones
Judy Yu

Eastern Washington University Board of Trustees
Bertha Ortega
Gordon Budke
Jo Ann Kauffman

The Evergreen State College Board of Trustees
Claudia Kauffamn-Redmoringstar
Karen Lane
Stanley L. K. Flemming
Marilee Roloff
David Lamb

Western Washington University Board of Trustees
Betty Woods
John Warner
Dennis Madsen
Kevin Raymond

Peninsula Community College
Arturo Flores
Dennis Duncan

Grays Harbor Community College
Fawn Sharp-Malvini
Rebecca Chaffee
John Warring

Olympic Community College
Doug Sayan

Skagit Valley Community College
Margaret Rojas
Debra Lisser

Everett Community College
Nancy Truitt Pierce
Carlos Veliz

Seattle Community Colleges
Dorothy Hollingsworth

Nobie Chan

Shoreline Community College
Jeffrey Lewis
Richard Stucky
Gidget Terpstra

Bellevue Community College
RuthAnn Kurose
Lee Kraft Cressman
Paul Chiles

Green River Community College
James Rottle
Sherry Gates
Arlista Holman

Pierce Community College
David Hamry
Elizabeth willis

Centralia Community College
Franklin DeVaul
George Mohoric

Lower Columbia Community College
Thuy Vo
Michael Heuer
Kay Cochran

Clark Community College
Sherry Waltz Parker
Kim Peery

Wenatchee Valley Community College
Darlene Wilder
Bertha Goehner
William McDowell

Spokane Community Colleges
Ben Cabildo
Carol Landa-McVicker

Big Bend Community College
Katherine Kenison
Cecilia DeLuna-Gaeta
Michael Blakely

Columbia Basin Community College
Salvador Beltran
Josie Villa
Enriqueta Mayuga
R. Gary Culbert

Walla Wall Community College
Mary Grant Tompkins
Jon McFarland

Whatcom Community College
Debra Jones
Barbara Rofkar
Robert Fong

Tacoma Community College
Derek Kilmer
David Edwards
Frederick Whang

Edmonds Community College
Mauri Moore

Jack McRae

South Puget Sound Community College
Judy Blinn
Barbara Clarkson

Bellingham Technical College
Sonia Arevalo-Hayes
Steven Koch

Lake Washington Technical College
Jane Stein
Sang Chae

Renton Technical College
Ira SenGupta
Edward James, Jr.

Clover Park Technical College
Kay Harlan
Joe Kosai

Apprenticeship & Training Council
Susan Wilder Crane

Clemency & Pardons Board
Margaret Smith
Robert Winsor
Raul Almeida
John Turner
Cheryl Terry

Columbia River Gorge Commission
Jane Jacobsen
Harold Abbe
Katherine Akers Sheehan

Eastern State Hospital Advisory Board
Charlie Freestone
Gregorio Ochoa
Patricia Morgan
Edie Rice-Sauer
Dodds Simangan
Daniel Gosser
Terry Glenn
Ronda Kenny
Yvette Joseph Fox

Forest Practice Appeals Board
Tom May
Rebecca Bowers
Dennis Sterner
Martha Rice
Roger Erskine
Vicki Frei

Public Employment Relations Commission
Douglas Mooney
Pamela Bradburn

Salmon Recovery Funding Board
Bill Ruckelshaus (chair)
Frank Cassidy, Jr.
Brenda McMurray
Stephen Tharinger
James L Peters

Small Business Export Assistance Center
Paul Rollins, Jr.
Elizabeth Juang

Paul Calderon
David Lamb
John Perryman
Mike Maravae

School for the Blind Trustees
Eric Wiseman
Jerry Farley
Kay Adamson
Charles Nelson
Joseph Fram
Sherry Perry
Stephen Rainey
Annabelle Fitts
Denise Colley

School for the Deaf Trustees
Larry Swift
Bonita Decker
Dolorita Reandean
Holly Parker Jensen

Workforce Training & Education Coordinating Board
David Harrison (chair)
Julianne Hanner
Asbury Lockett
Rick Bender

Western State Hospital Advisory Committee
Pat Lovett
Jerome Remick
Shirley Havenga
Tim Keller
Dorothy Blake
Alaric Bien
Suzanne Leichman
Sherly Lamberton
Steven Marquez
Roger Jackson
Paul David Peterson
Michael Thurman
David Stewart

Energy Northwest Executive Board
Dave Remington
Amy Solomon
Lawrence Kenny

Parks & Recreation Commission
Joan Thomas
Mickey Fearn
Robert Petersen
Eliot Scull Cecila Vogt

Human Rights Commission
Ben Cabildo
Deborah Sioux Lee
Ellis Casson
Reiko Callner

Gambling Commission
Jim Bricker
Alan Parker

State Board for Community & Technical Colleges
Carolyn Purnell
James Garrison
Erin Mundinger
Tom Koenninger
Jane Nishita

Sincerely,
Christine O. Gregoire

MOTION

On motion of Senator Eide, the Gubernatorial Appointees were returned to the Governor for review.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5829 by Senators Thibaudeau, Fairley, Kline, Kohl-Welles, McAuliffe and Fraser

AN ACT Relating to authorizing an additional cigarette tax; adding a new section to chapter 82.24 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5830 by Senators Doumit, Jacobsen, Swecker, Rockefeller, Oke and Rasmussen

AN ACT Relating to the performance of state trust land management; amending RCW 79.17.210 and 79.64.040; reenacting and amending RCW 79.17.010; adding a new section to chapter 79.64 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5831 by Senators Morton and Poulsen

AN ACT Relating to the minimum standards for construction and maintenance of wells; amending RCW 18.104.020, 18.104.043, 18.104.050, 18.104.055, 18.104.100, 18.104.120, and 18.104.190; and adding a new section to chapter 18.104 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5832 by Senators Jacobsen, Kohl-Welles and Rasmussen

AN ACT Relating to the "Washington's National Park Fund" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5833 by Senator Brown

AN ACT Relating to special license plates to recognize the Gonzaga University alumni association; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5834 by Senators Stevens, Hargrove and Kohl-Welles

AN ACT Relating to studying juvenile offender case filings; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5835 by Senators Hewitt, McCaslin and Deccio

AN ACT Relating to dissolving or deactivating joint housing authorities; amending RCW 35.82.300 and 35.82.320; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5836 by Senators Stevens, Hargrove, Swecker, Benson, Roach and Schmidt

AN ACT Relating to reporting of pregnancy terminations; and adding a new section to chapter 9.02 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5837 by Senators Fairley, Kline and Kohl-Welles

AN ACT Relating to making uninsured, underinsured, and personal injury protection motor vehicle insurance mandatory; amending RCW 48.22.030 and 48.22.085; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5838 by Senators Kastama, Benson, Poulsen, Brandland, Deccio, Keiser, Thibaudeau, Franklin and Rasmussen

AN ACT Relating to the substitution of a preferred drug for a nonpreferred drug in hepatitis C virus treatments; and amending RCW 69.41.190.

Referred to Committee on Health & Long-Term Care.

SB 5839 by Senators Keiser and Deccio

AN ACT Relating to regulation of free-standing health clinics; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5840 by Senators Morton, Mulliken and Stevens

AN ACT Relating to ballot enhancement and duplication; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.60 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5841 by Senators Keiser, Thibaudeau, Kline, Kohl-Welles and Shin

AN ACT Relating to the prevention, diagnosis, and treatment of asthma; amending RCW 19.27.190, 41.05.013, and 74.09.520; adding a new section to chapter 28A.210 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5842 by Senators Doumit, Kohl-Welles, Rasmussen, Keiser, Kline, Prentice, McAuliffe, Spanel, Franklin and Jacobsen

AN ACT Relating to substantially improving worker safety, accident prevention, and worker outcomes through the department of labor and industries' retrospective rating program; amending RCW 51.16.035, 51.18.020, and 51.18.040; adding new sections to chapter 51.18 RCW; adding a new section to chapter 51.08 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5843 by Senators McAuliffe, Pridemore, Kohl-Welles and Rockefeller

AN ACT Relating to college in the high school; amending RCW 28A.150.275, 28A.225.290, and 28A.600.160; adding new sections to chapter 28A.600 RCW; and creating a new section.

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

SB 5844 by Senator McAuliffe

AN ACT Relating to self-service storage units; and amending RCW 19.150.020, 19.150.060, and 19.150.080.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5845 by Senator Pridemore

AN ACT Relating to the clarification of property tax statutes; amending RCW 84.33.140, 84.34.108, 84.52.020, 84.52.054, 84.52.070, 84.55.010, 84.55.120, 84.56.440, 84.69.020, and 84.70.010; reenacting and amending RCW 84.52.010; creating a new section; and repealing RCW 84.55.012, 84.55.0121, and 84.55.092.

Referred to Committee on Ways & Means.

SB 5846 by Senators Parlette, Kohl-Welles, Oke and Kline

AN ACT Relating to distribution of unused prescription drugs to low-income persons; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5847 by Senator Fraser

AN ACT Relating to the maritime historic restoration and preservation activities of the Sandman Foundation; and amending RCW 88.02.052 and 88.02.053.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5848 by Senators McAuliffe, Thibaudeau, Stevens, Hargrove, Regala, Shin and Rasmussen

AN ACT Relating to missing and runaway children; and amending RCW 13.32A.086.

Referred to Committee on Human Services & Corrections.

SB 5849 by Senators Kohl-Welles, Schmidt, Pridemore and Shin

AN ACT Relating to including cyberbullying in school district harassment prevention policies; and amending RCW 28A.300.285.

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

SB 5850 by Senators Spanel, Keiser, Kohl-Welles and Shin

AN ACT Relating to the definition of sick leave under the family care act; and amending RCW 49.12.265.

Referred to Committee on Labor, Commerce, Research & Development.

SJR 8210 by Senators Stevens, Benton, Esser, Mulliken, Swecker, Roach, Schmidt and Oke

Amending the Constitution to limit the types of domestic relations that will be recognized as valid in Washington state.

Referred to Committee on Judiciary.

MOTION

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

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8609

By Senators Shin, Rasmussen, Honeyford, Roach and Swecker

WHEREAS, Jack K. C. Chiang served ably as Director General of the Taipei Economic and Cultural Office in Seattle from 2001 through 2004; and

WHEREAS, Director General Chiang has spent over 20 years working to better the relationship between Taiwan and the United States; and

WHEREAS, Director General Chiang's commitment to the friendship between Taiwan and the United States saw him serve a full eight years in our nation and away from his family; and

WHEREAS, His previous service in the United States saw him as Director of the Service Division of the Taiwan Economic and Cultural Representative Office in Washington, D.C., the Deputy Director of the Taiwan Economic and Cultural Office in Chicago, and the Taiwan Economic and Cultural Office in Houston; and

WHEREAS, In Seattle, as well as his other postings in the United States, Director General Chiang was embraced by the Chinese American Community, and showed tremendous dedication to the same; and

WHEREAS, Director General Chiang's immense knowledge of his nation and the United States led to increased trade and cultural relations between Washington and Taiwan; and

WHEREAS, The State of Washington owes a tremendous debt to Director General Chiang for the outstanding work he accomplished during his tenure in Seattle; and

WHEREAS, Director General Chiang has returned to Taipei to work in the Ministry of Foreign Affairs and serve Taiwan at home after many years abroad; and

WHEREAS, Director General Chiang went above and beyond the duties of his position and indefatigably worked to maintain and expand the crucial economic and cultural relations between Taiwan and Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor Director General Jack K. C. Chiang for his service to Taiwan and Washington, his diplomatic nature, extreme kindness, and understanding of the crucial relationship between our peoples; and

BE IT FURTHER RESOLVED, That the Senate also recognize the outstanding achievements and contributions Chinese-Americans have made to our state that have enriched communities throughout Washington; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Director General Chiang and to the Taipei Economic and Cultural Office in Seattle.
Senators Shin, Roach, Rasmussen, Honeyford spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8609.
The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jack Chiang, former Director General of the Taipei Economic and Cultural Office in Seattle who was seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "The President too, would like to wish you well and thank you for what you've done for the people of the state of Washington".

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Robert C. M. Chin, Mr. Stephen Tai, Deputy Director, incoming Director General of Taipei office and colleagues who were seated in the gallery.

MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:28 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5182, by Senators Franklin and Sheldon

Requiring disclosures for single burial use of multiple interment space. Revised for 1st Substitute: Requiring disclosures for single burial use of multiple interment space.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Franklin and Parlette, spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senator Fairley was excused.

On motion of Senator Mulliken, Senators Benton Swecker, Roach and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Bill No. 5182 and the bill passed the Senate by the following vote:
Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benton, Fairley and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5161, by Senators Eide and Swecker

Including use of wireless communications in accident reports.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5161 was substituted for Senate Bill No. 5161 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide 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. 5161.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5161 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Sheldon - 1

Excused: Senators Benton, Fairley and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5085, by Senators Weinstein, Haugen, Jacobsen and Kline

Holding child car seat installers harmless for damages.

MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 5085 was substituted for Senate Bill No. 5085 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Oke 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. 5085.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Carrell, Deccio, Finkbeiner, Honeyford, Johnson, McCaslin, Morton, Mulliken and Stevens - 9

Excused: Senators Benton, Fairley and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Mr. President, this is physically difficult. I feel if I've just been awoken from a coma. I feel as if a persuasive power, as if made of steel has grasped me controlled my every action even my thinking. If someone who is conscious these last five minutes please tell me. Just I just hear a trial lawyer move a bill that grants immunity from liability and I voted yes; is that, with someone who is conscious, did I just do that, did he just do that. Mr. President, I believe there is a persuasive power at large on this floor that requires us to act in its behest. On behalf of this institution Mr. President, I require that we have some kind of retribution, some kind of restitution for our powers of thought lost to this behemoth of logical and rational persuasion. Mr. President, I think compensation is in order. Thank you."

PERSONAL PRIVILEGE

Senator Johnson: "On behalf of the Trial Lawyers Association of the state of Washington I'd like to inform Senators Weinstein and Kline that they're on probation. There'll be some opportunity to sign onto some good bills coming up."

Senator Deccio: "I'm compelled to rise after that dramatic speech. The reason I voted against it, because if you would have amended to broaden the title I would have added a lot more exemptions, and would it solve the professional liability problem. Thank you."

PERSONAL PRIVILEGE

Senator McCaslin: "Thank you Mr. President. Since I've resigned from the chief needler of the State Senate, I see that I've turned over to excellent hands. Of course he'll take a lot longer to talk than I will and probably give us all a billable hour but none the less as I sat here listening to you folks I thought of General McArthur. To paraphrase General McArthur, 'Old Senators never die, they just fade away.' I lost about thirty pounds, so I'm fading as fast as I can. Now, Senator Esser, I've assigned this to you. Once one of our freshman get up I would hope you would rise and equal that attorney's speech."

PERSONAL PRIVILEGE

Senator Weinstein: "Thank you Mr. President. I'd like to thank the Senators who have just addressed me for the kind words. I understand, here in Olympia, those are terms of endearment, so I appreciate them and I take them in the spirit in which they were offered. Seriously though, I would like to thank all the Senators here today and all the Senators are not present today for the warm welcome that I've received since I've been here. I do feel like you have made me feel special and part of a special body and I feel very privileged to be here and you have made me feel warm. When I come home during the weekends, I tell my family how surprised I am. I didn't expect people on both sides of the aisle to just to treat me with the respect and just the kindness that you have so I appreciate that. I'll tell you something about my district, I'm sure you know something about my district. I'm from the forty-first district. It includes part of Renton, which I share with Senator Margarita Prentice and Adam Kline, it has part of Renton and all of Newcastle and I'm told that's where the real people of my district live. It also includes a slice of Issaquah and part of Bellevue and Mercer Island which, like Garrison Keillor, is Lake Woebegone. All the kids are above average in that part of my district. So, that's where I come from, I come from Mercer Island. And I was telling my daughter, one of my daughters, about the tradition here in the Senate. The tradition whereby I'm expected to give tribute, give a gift to the other Senators, something that will exemplify my district. So I was asking my family, what do they think I should do? My youngest daughter looks at me and said 'Dad, well, everyone thinks that everybody on Mercer Island is rich, so why don't you give each of them a million dollars?' I said that I should do that but you in the words of one of our former presidents it would be wrong. So, what I've decided to do instead about a month or two ago my wife gave me a little present called transportation gridlock. It's a little puzzle. It's a little game and I enjoy playing it. I think it exemplifies some of the problems of my district and in the state as well. It's a game that will be distributed to you, it's something that you could put in your waiting room for lobbyist or constituents or just to play with yourself and it'll help us all work together, I hope, to solve transportation gridlock in the community, in my community, in your community and in our state. So I'd like to work with all of you, not just transportation problems, but all problems. Once again just want to say thank you so much for the warm welcome that you have showed me."

PERSONAL PRIVILEGE

Senator Jacobsen: "I just wanted to give a little bit of advice to the new Senator. When Harry Truman got elected to the U. S. Senate one of his colleagues said in the first week, he said, 'Harry, you're going to spend six months wondering how you got here and six years wondering how the rest of them got here.'"

SECOND READING

SENATE BILL NO. 5049, by Senators Kohl-Welles, Benton, Fairley, Esser, Thibaudeau, Prentice, McAuliffe, Kline and Rockefeller

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 3, beginning on line 31, after "(12)" strike all material through "2006;" on line 37 and insert "Provide tenants with information provided or approved by the department of health about the health hazards associated with exposure to indoor mold. The information must detail how tenants can control mold growth in their dwelling units to minimize the health risks associated with indoor mold. Landlords may obtain the information from the department's web site or, if requested by the landlord, the department must mail the information to the landlord in a printed format. When developing or changing the information, the department of health must include representatives of landlords in the development process. The information must be provided by the landlord to new tenants at the time the lease or rental agreement is signed, and must be provided to current tenants no later than January 1, 2006;"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 3, line 31 to Senate Bill No. 5049.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
 Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Thibaudeau and Kastama were excused.
 Senator Rockefeller spoke on passage of the bill.
 The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5049.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel and Weinstein - 30

Voting nay: Senators Carrell, Deccio, Hargrove, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 14

Excused: Senators Benton, Fairley, Kastama, Swecker and Thibaudeau - 5

ENGROSSED SENATE BILL NO. 5049, 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.

PERSONAL PRIVILEGE

Senator Kline: "Mr. President, I once again rise in complete stupefaction, to a point of personal privilege Mr. President. That this imposter, this former member of some other legislative body, which I am informed occupies part of this building -- I want to make sure that I go by the proper address that Mr. President has imposed upon those of us who refer to some other legislative body -- but that this person must be aware that after such a speech that he must certainly compensate us for the dire consequences of having to cut into our lunch hour but at least forty-five seconds to listen to it and that I certainly hope that he will come forward with the appropriate compensation, Mr. President. I am sure he's been reminded. Thank you."

PERSONAL PRIVILEGE

Senator Deccio: "I'd like to ask Senator Weinstein if he... Senator Weinstein, my question is: Will you love us in April as you do in February?"

PERSONAL PRIVILEGE

Senator Rasmussen: "Point of personal privilege, Mr. President. This is far more serious and I would like to make sure that all the members of the senate know that on Monday I introduced a resolution because we had too many for today. It was on autism. I know that you would have liked to put your name on the resolution. Because we introduced it on Monday I couldn't do so and so I do apologize for not getting your name on it, but on the resolution you do have on your desk it says one out of every two hundred fifty children today born today now have autism. In fact, its one out of one hundred sixty six. Today on the Capitol steps there is a rally at 12:30 and the Governor is going to speak and issue a proclamation at 2:00, but at 12:30, care givers, families and advocates of autism are gathering to make all of us aware of this epidemic that's not only affected children in this state but throughout the world. Many other states have come together and budgeted many, many millions of dollars to help bring intervention therapies for these children because it does say that they can get better if we intervene early. Also we are looking at issues of why this is happening. Why we have this very stark rise in autistic children. There has been an article and I want to bring it to your attention and I will send it to each one of your offices but it talks about the link between mercury and autism and that the drug companies did know that there was a link. So, we really want to follow the state of California in banning mercury out of vaccines for little children. But set that aside for a minute and think about the families, your neighbors and certainly your friends that all have been touched with this epidemic. If you have a minute go out and support the people out on the Capitol steps today. With that, I thank you for bearing with me today. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Rockefeller: "Thank you Mr. President and ladies and gentlemen of the Senate. I'm aware of the hour is moving quickly and so eating may be on your minds, so I will be brief. Like Senator Weinstein before me, I too am humbled by the opportunity to join you here in this August body. I won't talk too much about my past on the other body, but it has made me appreciate what I see before me and what I feel. I feel respected and in turn, I respect each and every one of you who makes this institution a wonderful place in which to work and to collaborate. I am very pleased to be here and I look forward to many years of fruitful, cooperative efforts. In thinking about the matter before us, 'appropriate compensation' as Senator Kline put it so judiciously, I found myself wondering first if he was making that suggestion because of my name. I want to assure you that, though my name is Rockefeller, that responsibility of giving away millions has been assigned to another branch of the family. After all, if they gave away all of their money at once, then they wouldn't have any more to give away. And then what would they do? The rest of us work and I'm in that other group that chooses to work. So, I'm happy to let them worry giving away the millions. On the other hand, I have thought about what my district might bring to the situation. My district is

number twenty-three. I'm a successor to the Honorable Betti Sheldon, a woman of whom I use to say, 'It will be very difficult to fill her shoes.' Well, that isn't ... that analogy that works to an extent, except I looked at my size thirteen shoes and realized it wasn't quite appropriate for Senator Sheldon, to speak of her in that manner, so I don't use that anymore. But, what do we have that's unique? Well, we are very much surrounded by water in the heart of Puget Sound on the west side and I thought instantly of goeducks and, just as instantly, I let that idea disappear. We do have lots of goeducks. I could have given one to each of you. Some of you would say, 'What is that awful looking creature?' When you see them raw and alive, as Senator Oke and I and others may have done in the real world, it's not a very appealing creature. Frankly it's quite ugly. I thought of something else. We have a wonderful community called Port Gamble. It, for a time, had a company saw mill which operated continuously for one hundred fifty three years. It was the oldest such mill town in the state of Washington, went back to 1853 I believe, recently celebrated its sesquicentennial. It is an historic community. It's been so designated on the historic register. It has been appropriately protected under the GMA, with an exception that we passed several years ago, which allows for it's orderly development -- maintaining the historical integrity that it's owners have had for a century and a half. And there are people in that community who are determined to be stewards of the past as well as champions of a new and revitalized future. So, I thought that's a good example for what we're all about as a state -- citizens who care about the past, but also are working for a better future. And a company, which continues to have its financial interest there, still owns the town through a subsidiary corporation, and they have made it possible for entrepreneurs to come in and develop new opportunities, new businesses. One such business is called La La Land Chocolates. And now we get to the point. La La Land Chocolates creates magnificent truffles. Their flavors range from Mayan Chocolate to Black Berry Brandy to Chocolate/Orange Peppermint Schnapps, Kaluha/Chocolate mint, on and on. The owner and the proprietor of this is a man who, frankly, Mr. President, looks like Jessie Ventura. He's 6'5", 240 pounds, all muscle, a delightful man who has a prosthetic limb. He lost one leg as a young man and now he is in his 50s. He is a Vietnam Veteran. He came back from Vietnam, still with the limb by the way. He lost that when he became an operating engineer. His name is Greg Marquiss and he and his wife have this passion for chocolates. Now, he had to change his lifestyle after he lost his limb in an industrial accident while working as an operating engineer. So he retrained himself and became a computer software programmer and he is an expert on COBOL. A software which is still in use today in many of our mainframes and he said to me, 'I can make COBOL sing.' But, as I say, he discovery this new passion for chocolates and he is equally skilled at that. And so, if I may Mr. President, we have individual truffles that I'd like to bring on the floor and distribute to everybody here -- including all of you at the dais. Thank you very much."

PERSONAL PRIVILEGE

Senator Deccio: "I'd like to inform Senator Rockefeller, I'm allergic to chocolates. Could you give me something else, like a hundred dollar gift certificate to Nordstrom?"

MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, a.m. Thursday, February 10, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate