

FORTY-FIFTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 23, 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 except Senators Mulliken, Pflug and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Tyler Best and Trevor Durant, presented the Colors. Senator Fraser 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

At 10:04 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: a.m. by President Owen.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 2005

SB 5154 Prime Sponsor, Pridemore: Changing the leasehold excise tax exemption for certain historical property. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5154 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5185 Prime Sponsor, Franklin: Establishing the legal presumption of reasonable value from the certification of health care records. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Deccio, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5245 Prime Sponsor, Fraser: Making technical corrections in the general retirement provisions estoppel section, teachers' retirement system, public safety employees' retirement system, the school employees' retirement system, the public employees' retirement system, and the actuarial funding chapter. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5331 Prime Sponsor, Doumit: Establishing the historic county courthouse grant program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Ways & Means.

February 21, 2005

SB 5380 Prime Sponsor, Kohl-Welles: Revising provisions relating to disbursement of liquor revolving fund moneys for the purpose of funding alcohol education programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Brandland

Passed to Committee on Rules for second reading.

SB 5430 Prime Sponsor, Hargrove: Providing funds for the crime victims' compensation program. Reported by Committee on Human Services & Corrections February 21, 2005

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland and Carrell

Passed to Committee on Ways & Means.

SB 5471 Prime Sponsor, Thibaudeau: Authorizing a prescription drug purchasing consortium. Reported by Committee on Health & Long-Term Care February 21, 2005

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Deccio, Johnson and Parlette

Passed to Committee on Ways & Means.

SB 5487 Prime Sponsor, Keiser: Requiring the liquor control board to implement a retail business plan to improve efficiency and increase revenue. Reported by Committee on Labor, Commerce, Research & Development February 22, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5487 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Brown, Deccio, Hewitt, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

SB 5494 Prime Sponsor, Thibaudeau: Identifying health care providers covered by the retired health care provider liability malpractice insurance program. Reported by Committee on Health & Long-Term Care February 21, 2005

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

SB 5496 Prime Sponsor, Keiser: Revising provisions for inspection of hospitals. Reported by Committee on Health & Long-Term Care February 21, 2005

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

SB 5500 Prime Sponsor, Hargrove: Specifying procedures for transfer of juvenile proceedings. Reported by Committee on Human Services & Corrections February 21, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

SB 5553 Prime Sponsor, Brandland: Creating a pilot program for live scan devices. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 21, 2005

SB 5554 Prime Sponsor, Kohl-Welles: Extending and adding a member to the joint task force on criminal background check processes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5554 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5558 Prime Sponsor, Brown: Establishing a prescription drug assistance foundation. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5614 Prime Sponsor, Keiser: Requiring annual audits of the state industrial insurance fund. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5636 Prime Sponsor, Keiser: Revising provision for imposition of sanctions on health professionals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5658 Prime Sponsor, Haugen: Regulating liquified petroleum gas. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5658 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5659 Prime Sponsor, Pridemore: Authorizing renewable energy tax credits. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton and Regala

Passed to Committee on Ways & Means.

February 17, 2005

SB 5741 Prime Sponsor, Kastama: Modifying provisions on voters' pamphlets. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5741 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

JOURNAL OF THE SENATE

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Mulliken and Roach

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5553 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM THE STATE OFFICES

February 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Yakima Valley Community College audit report
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Yakima Valley Community College audit report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Pierce College District Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Pierce College District Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Peninsula College Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Peninsula College Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

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

MESSAGE FROM THE HOUSE

February 21, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6026 by Senators Kastama and McCaslin

AN ACT Relating to terms of executive ethics board members; and amending RCW 42.52.350.

Referred to Committee on Government Operations & Elections.

SB 6027 by Senators Hewitt and Fraser

AN ACT Relating to the elimination of obsolete bond retirement accounts; amending RCW 28B.14C.140, 28B.14D.900, 28B.15.210, 28B.20.382, 28B.20.715, 28B.20.721, 28B.20.725, 28B.20.810, 28B.20.820, 28B.30.730, 28B.30.740, 28B.30.750, 28B.31.070, 28B.31.100, and 43.84.092; reenacting and amending RCW 43.84.092; creating a new section; repealing RCW 28B.14C.080, 28B.14C.090, 28B.20.720, 28B.20.800, and 28B.20.805; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6028 by Senators Benson, Brown, Deccio, Poulsen, Brandland, Keiser, Parlette, Schoesler, Oke, Esser, Haugen, Swecker, Jacobsen, Schmidt, Kohl-Welles and Rasmussen

AN ACT Relating to service members' civil relief; adding a new chapter to Title 38 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6029 by Senators Schoesler, Morton, Mulliken and Delvin

AN ACT Relating to providing certainty and clarity in the administration of agricultural water rights; and amending RCW 90.03.380.

Referred to Committee on Water, Energy & Environment.

SB 6030 by Senators Haugen, Mulliken and Rasmussen

AN ACT Relating to review of amendments to comprehensive plans and development regulations; and amending RCW 36.70A.290.

Referred to Committee on Government Operations & Elections.

SB 6031 by Senators Swecker, Jacobsen and Oke

AN ACT Relating to an additional sales and use tax for the renovation and maintenance of state parks facilities; amending RCW 82.08.020; adding a new section to chapter 82.12 RCW; adding a new section to chapter 79A.05 RCW; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6032 by Senator Mulliken

AN ACT Relating to the oath of office; amending RCW 2.04.080, 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097, 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Government Operations & Elections.

SB 6033 by Senator Doumit

AN ACT Relating to a Washington coastal Dungeness crab pot buoy tag program; amending RCW 77.70.430 and 77.70.440; and adding a new section to chapter 77.70 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6034 by Senators Brown and Kohl-Welles

AN ACT Relating to industrial insurance premium rates; and amending RCW 51.16.035.

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

SB 6035 by Senator Mulliken

AN ACT Relating to clarifying how local governments may demonstrate that best available science has been included in growth management decisions; and amending RCW 36.70A.172.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHJR 4205 by House Committee on Education (originally sponsored by Representatives Schual-Berke, Haigh, Jarrett, Quall, Tom, Hunter, Hunt, Fromhold, Chase, Appleton, Darneille, Williams, Clibborn, McDermott, Simpson, P. Sullivan, Dickerson, O'Brien, Wood, Sells, Roberts, Green, Conway, Hudgins, Kirby, Kenney, McIntire, Dunshee, Hasegawa, Linville, Santos, Kagi, Ormsby, Lantz, Moeller and Blake)

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

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

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 Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8628

By Senator Rasmussen

WHEREAS, Future Farmers of America was founded in 1928, changing its name in 1988 to the National FFA Organization to represent the growing diversity of agriculture; and
WHEREAS, The Washington FFA Organization is an integral part of the future of the food, fiber, and natural resource systems of the Washington Agriculture Industry; and
WHEREAS, The FFA boasts 476,732 members nationally and approximately 8,000 members in Washington state; and
WHEREAS, Agricultural education and the Washington FFA ensure a steady supply of young professionals to meet growing demands in science, business, and technology of Washington agriculture; and
WHEREAS, The FFA Motto----"Learning to Do, Doing to Learn, Earning to Live, Living to Serve"----gives direction of purpose to these students who take an active role in succeeding in agricultural education; and
WHEREAS, The FFA promotes character, citizenship, volunteerism, patriotism, and cooperation; and
WHEREAS, Washington FFA emphasizes premier leadership, personal growth, and career success among its members; and
WHEREAS, The FFA offers diverse educational opportunities such as land judging, expos, fairs, agricultural mechanics, public speaking, skills contests, chapter meetings, award and recognition programs, committees, and community projects; and
WHEREAS, FFA Agriculture Education Programs provide a strong foundation for the youth of Washington to grow careers in the field of agriculture;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate supports the role of the Washington FFA and Agriculture Education in the educational system of the great state of Washington; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to H. Wayne Gilman, Washington State FFA Adviser and Washington FFA Foundation Director Ronald Crawford.
Senators Rasmussen and 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. 8628.
The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Carey Smithingell, Centinel and Kevin Faw, President of FFA who was seated at the rostrum. With permission of the Senate, business was suspended to allow President Faw to address the Senate.

REMARKS BY PRESIDENT FAW

President Faw: "I want to start out by thanking you very much for having us here today. It's quite an honor to be able to come and present ourselves the Senate and it's amazing to see the support that we have after that resolution, so thank you very much. I kind of saw, as we were seating in the hall I saw a few people walk by kind of looking at our jackets maybe wondering what exactly this blue jacket means and don't worry there's plenty of people that do that as we are around. We always get stares as we're walking through an airport, as we're walking through downtown. Now, why is that person wearing a blue corduroy jacket, does he not know that's that not in style. Well, this jacket was chosen way back in 1928, the national blue was chosen to show the unity within the FFA. Although we come from different backgrounds, we all come together for one common goal and the corn gold was chose to show the true tradition's of farming which are hard work, innovation, the understanding of land and resources and above all the belief in the future of farming. It was started back in 1928, thirty-three farmers came together said hey let's start this Future Farmers of America so that we do have a future in farming. The name was changed in 1988 to show the diversity of the organization. It was changed to the National FFA organization to just show that we're not all about farming now. The FFA mission which was read earlier is to make a positive difference in the lives of FFA members to develop their potential for personal growth, premier leadership and career success through Agriculture education. As we travel around we always get the question, 'can I join FFA' by difference students, absolutely but there reply is I live in town, I don't know anything about farming and I absolutely hate pigs. Well, you probably think the same thing that all we have in FFA is farmers. Well, that's not exactly right. In nation wide enrollment only thirty percent of our members come from a farming community. The other seventy percent are from urban and suburban areas so that really shows how the FFA has diversified over the years. Throughout our travels as state officers this year we have visited chapters in downtown Tacoma, Vancouver the Kitsap peninsula, Olympia, Spokane, the Tri-Cities and we've also gone to areas like Colotis, Garfield, Polouse, the Toledo and Willamette Valley and so as our travels you know we've seen the different areas within the state and it's just amazing to be able to see the diversity within the FFA. So finally I just want to challenge you to support the career and technical education programs within the schools. These are the programs that have hands on learning and where the students can learn the most and just get the most out of the programs and so as you go out if your talking with school officials maybe ask them 'do you have an FFA program' and if not encourage them to get involved in one because this is, the benefits they will reap will, is just beyond measure and I think it kind of shows throughout, I mean just look at the Senators that have been in the FFA, ask them. It's just unbelievable how much progress you can see in the FFA, so thank you very much again for having us here. It's quite an honor."

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8625

By Senators Brown and Finkbeiner

WHEREAS, The Senate adopted permanent rules for the 2005-07 biennium under Engrossed Senate Floor Resolution 2005-8601;
WHEREAS, Pursuant to Senate Rule 35, the Senate has received one day's notice from Senators Brown and Finkbeiner of their intent to move adoption of an amendment to the Senate Rule 45 in the manner set forth below;

NOW, THEREFORE, BE IT RESOLVED, That Rule 45 as set forth in Engrossed Senate Floor Resolution 2005-8601 is stricken in its entirety and Rule 45 of the Permanent Rules of the Senate for the 2005-07 is set forth and adopted as follows:

"Committee Rules

- Rule 45.** 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.
2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.
3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.
4. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.
5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one, or more as appropriate, of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:
- Do pass.
 - Do pass as amended.
 - That a substitute bill be substituted therefor, and the substitute bill do pass.
 - That the bill be referred to another committee.
 - Without recommendation.

JOURNAL OF THE SENATE

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

8. ~~(Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.)~~ Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session."

Senators Brown and Finkbeiner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8625.

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

MOTION

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

SECOND READING

SENATE BILL NO. 5046, by Senators Regala and Johnson

Modifying provisions governing ethics complaints.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Regala and Johnson 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. 5046.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 0.

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

Absent: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5046, 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.

STATEMENT FOR THE JOURNAL

Today prior to floor action I provided the rostrum reader with a list of three names, Senator Mulliken, Senator Stevens, and Senator Pflug, to be excused from the day's roll call votes.

Unfortunately, prior to the vote on Senate Bill 5046 I was on the telephone and failed to ensure that in fact the three senators were excused before the roll call. I enter this statement in order that the Journal reflect that Senator Mulliken, Senator Stevens and Senator Pflug should be regarded as excused for the vote on Senate Bill 5046.

SENATOR MIKE HEWITT, 16th Legislative District

SECOND READING

ENGROSSED SENATE BILL NO. 5045, by Senators Doumit and Morton

Allowing title insurance companies to provide a guarantee covering its agents.

The measure was read the second time.

MOTION

Senator Fairley moved that the following amendment by be adopted.

On page 2, line 2, after "authorized" insert ", or eligible under chapter 48.15 RCW."

On page 2, line 30, after "authorized" insert ", or eligible under chapter 48.15 RCW."

On page 3, line 9, after "authorized" insert ", or eligible under chapter 48.15 RCW."

Senator Fairley 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 Fairley on page 2, line 2 to Senate Bill No. 5045.

The motion by Senator Fairley carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Hewitt, Senators Mulliken, Pflug and Stevens were excused.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5045.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Mulliken, Pflug and Stevens - 3

ENGROSSED SENATE BILL NO. 5045, 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. 5196, by Senators Fairley, Benton, Keiser, Benson, Franklin and Berkey

Regulating insurable interests and employer-owned life insurance.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton 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. 5196.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5142, by Senators Schoesler, Rasmussen, Morton and Delvin

Regarding air registrations for elevators and warehouses.

The measure was read the second time.

MOTION

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

Senator Schoesler 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. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Morton: "Thank you Mr. President. Ladies and Gentlemen of the Senate. I have an unusual request of both the President and of yourself and that's for a moment of memorial tribute. In the summer time I received a request for some pages and in reviewing the allotment that we were giving for our pages I had an interesting scenario. Four young ladies wanted to come together and four young men. We did our best to equalize that out. We ended selected two of the four ladies and after many phone calls we selected all four of the four men. However, two weeks ago in a tragic automobile accident one of those four was killed. The other three are with us today paging. The young man who was killed was Levi Morgan of Deer Park. Recognized as an outstanding student and the tragedy did not mar however the other companions to come and be with us and serve this week in memory of him and in tribute to him. So, Mr. President I would respectfully request that we have as we usually do many times a moment of silence memorial tribute in recognition of this page who was unable to attend, Levi Morgan.

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of Levi Morgan, who passed away February 11, 2005.

SECOND READING

SENATE BILL NO. 5142, by Senators Schoesler, Rasmussen, Morton and Delvin

Regarding air registrations for elevators and warehouses.

The measure was read the second time.

MOTION

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

Senator Schoesler 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. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: “Thank you Mr. President. The good Senator from the 9th District just gave his first speech and as usual and a custom we demand some tribute but before we receive that I thought we ought to make some comments about the good Senator. He first came to State Legislature in 1993 and since that time he spends the Legislative session residing with his uncle. I tried to call his Uncle Ed to see if he’d put a curfew on the good Senator but I couldn’t get him on the phone but I think it was a good idea if he did. He should have a curfew imposed for staying with his Uncle Ed. Secondly the good Senator always seems to have something in his mouth, often times it’s a toothpick and I wanted you to know that single handedly he’s kept the toothpick industry in business through his usage. Those of you that know Senator Schoesler know that he’s very proud of his kids, Cody and Veronica. Veronica is really an outstanding student, high school and college and I believe now she’s a school teacher and it’s obvious I think that she got her brains from her mother. One final bit about the good Senator Schoesler is according to his friend, Senator Buck, Representative Buck that they like to fishing in Alaska and generally they go along with Representative Armstrong and Steve Yano and those are two or three fairly good size people and there’s really a method for this type of arrangement. See those trips they take go into the back country we have grizzlies and black bears and they wanted to make sure that they have someone who runs slower than they would in case there was a bear around so that’s why they chose Senator Schoesler to go along. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Esser: “Thank you Mr. President. Well, for those who are concerned that the Senate of today lacks the courage to deal with the tough issues of the day I would direct their attention to the rear of the chamber and to the new Senator from the 9th district. One he only examines Senate Bill No. 5142 to determine the fearlessness which he attacks the most extractable issues that we face. This bill languished year after year, session after session. Air registrations for elevators and warehouses are widely regarded as the third rail of Washington State Politics. Every member understands that to touch that topic means certain doom, not the Senator from the 9th district. Absent his leadership Peas, lentils and beans would not be defined as grains and what greater injustice could be imagined. And so Mr. President I want to salute the new Senator from the 9th district, our new champion of the gabonzo bean.”

PERSONAL PRIVILEGE

Senator Deccio: “Thank you Mr. President. I think the Senator from the 9th district is very courageous person when dealing with the elevator he rose to the occasion. Senator Schoesler, no beans or gabonzo, things that we got to spit out, just give us some real stuff when you give us our gift, ok.”

PERSONAL PRIVILEGE

Senator Schmidt: “Thank you Mr. President. I couldn’t help in saying this. I really don’t give a hill of beans about the garbanzos’s and the elevators and stuff like this but I do know it’s a great place to go to get a good cigar.”

PERSONAL PRIVILEGE

Senator Franklin: “Thank you Mr. President. I know that, ladies and gentlemen of the Senate wondering why I am standing in regards to paying tribute to Senator Schoesler which I could many times sort of mispronounce his name. If you recall Senator back in the 90’s when we made that trip to Eastern Washington the Agricultural tour and on that particular tour at that time there was a, I think it was a wheat thresher and I am brave one and I am investigating and asking all the questions. I climbed on that wheat thresher and it was tilted. I have that picture still today and you, that is the way met you and when you came to this body then again we worked on an issue so I want to say, Welcome and I do remember that tour, it was great and I learned a lot.”

PERSONAL PRIVILEGE

Senator Rasmussen: “Well, Mr. President, I too want to welcome our new Senator from the 9th district and being the Coug mom I am absolutely thrilled to get my cup. I also want to say he’s the ranking chair of the Agriculture & Rural Economic Development Committee and he serves very wonderfully in that role and please don’t judge him, his height by his first bill. He’s gonna have some more to come.”

PERSONAL PRIVILEGE

Senator Schoesler: “Well, I’ve been asked what these tokens represent from the 9th legislative district. The 9th legislative district we have primarily two industries. Higher Education and Agriculture. There is a memento from each of the institutions of Higher Education, the Cougar mug and the eagle lapel pen. There is also from the Agriculture industry the glasses from the Washington Association of wheat growers, 50th anniversary celebration this past year. The irony was is that I planned another gift from the district. We thought about what we could add and the sample of the peas and lentils to make that super stew sounded like a good idea not knowing that it would be my first bill relating to peas and lentils so I would like to thank my many friends on the Senate floor and thank you Mr. President.”

SECOND READING

SENATE BILL NO. 5180, by Senators Kastama, Roach, Sheldon and Shin

Authorizing the economic development finance authority to continue issuing bonds.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Shin 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. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

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

Absent: Senator Thibaudeau - 1

Excused: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5180, 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 Schmidt: "Thank you Mr. President. Last night at 9:00 and again this morning at 9:00 I made two trips up to Fort Lewis to visit some of our National Guard Ship coming back from Iraq. Just to let you know last night it was the 303rd Calvary from Puyallup, this morning it was one of the units from Bellingham and another from, it was over in Spokane. Then tomorrow night we get units from here in Olympia, Montesano, Longview and Vancouver will be coming back. If you have the opportunity these will be coming in over a period of time, it's a great, great experience to see these soliders come back, standing at attention, listening to the National Anthem listening to the Army song being played, being played by the army band and then their dismissed and to watch the excitement in the families joined together as for the first time they get to see each other in over a year. So, they appreciate the fact that we're in contact with them. I would encourage you do so and then again thank you for that moment Mr. President.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 24, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate