

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 27, 2006

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 with the exception of Senator McCaslin.

The Sergeant at Arms Color Guard consisting of Pages Niles McDonald and Andrew Reid-Munro, presented the Colors. Pastor Sandra Kreis of St. Christopher's Episcopal Church of Olympia 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

January 24, 2006

SB 5183 Prime Sponsor, Franklin: Providing tax relief to promote affordable housing. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Second Substitute Senate Bill No. 5183 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Ways & Means.

January 25, 2006

SSB 5717 Prime Sponsor, Committee on Early Learning, K-12 & Higher Education: Providing a funding formula for skill centers. Revised for 2nd Substitute: Requiring a study on the availability and use of skill centers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the second substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6056 Prime Sponsor, Rasmussen: Certifying animal massage therapists. Revised for 1st Substitute: Regarding certified animal massage practitioners. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6056 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6133 Prime Sponsor, Rasmussen: Licensing Christmas tree growers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6133 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6166 Prime Sponsor, Fairley: Regulating mortgage brokers and loan originators. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6182 Prime Sponsor, Berkey: Compensating the victims of uninsured and underinsured motorists. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6201 Prime Sponsor, Fairley: Creating a homeowners' association act committee. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6201 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 25, 2006

SB 6207 Prime Sponsor, Rockefeller: Reauthorizing the pollution liability insurance agency. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

January 26, 2006

SB 6244 Prime Sponsor, Rockefeller: Changing provisions relating to oil spill prevention, preparedness, and response. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6377 Prime Sponsor, Doumit: Regarding milk sales under cow share agreements. Revised for 1st Substitute: Changing the regulation of milk and milk products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6421 Prime Sponsor, Kastama: Eliminating Saturday counting of ballots. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6422 Prime Sponsor, Kastama: Modifying election recount provisions. Reported by Committee on Government Operations & Elections

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

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

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6473 Prime Sponsor, Poulsen: Eliminating the requirement that telecommunications companies file price lists. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6473 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2006

SB 6485 Prime Sponsor, Rasmussen: Exempting the custom blending of dry fertilizer from business and occupation tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

January 26, 2006

SB 6512 Prime Sponsor, Fraser: Enhancing air quality at truck stops. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

January 25, 2006

SB 6515 Prime Sponsor, Fraser: Providing information on biofuels and renewable energy. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

January 26, 2006

SB 6522 Prime Sponsor, Benton: Concerning campaign contributions made by out-of-state entities. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

January 24, 2006

SB 6559 Prime Sponsor, Delvin: Providing tax credits for contributions to low-income housing efforts. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Finkbeiner, Franklin, Keiser and Schmidt

Passed to Committee on Ways & Means.

January 26, 2006

SB 6661 Prime Sponsor, Rasmussen: Establishing the Washington beer commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

January 26, 2006
SB 6728 Prime Sponsor, Fraser: Regarding a seller's disclosure of information concerning unimproved real property zoned residential. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6728 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Morton, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

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. 6207 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6852 by Senators Kline, Hargrove, Brandland and Rasmussen

AN ACT Relating to state and local agency tort liability for the acts of supervised persons in the community; adding new sections to chapter 4.92 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6853 by Senators Haugen and Benson

AN ACT Relating to vessel procurement; and amending RCW 47.60.820.

Referred to Committee on Transportation.

SB 6854 by Senator Rasmussen

AN ACT Relating to disclosure of animal information; amending RCW 42.56.380; reenacting and amending RCW 42.17.310; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6855 by Senators Schoesler and Rasmussen

AN ACT Relating to barley straw for water clarification; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6856 by Senators Prentice, Esser, Kohl-Welles and Rasmussen

AN ACT Relating to removing expiration dates for state consent to federal court jurisdiction in actions under the Indian gaming regulatory act; and amending RCW 9.46.36001.

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

SB 6857 by Senators Kastama and Rasmussen

AN ACT Relating to fuel tax refunds; amending RCW 82.36.330 and 82.38.190; and creating a new section.

Referred to Committee on Transportation.

SB 6858 by Senators Prentice and Kohl-Welles

AN ACT Relating to fund balance transfer for the state convention and trade center; amending RCW 67.40.040; adding a new section to chapter 67.40 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6859 by Senators Haugen and Kohl-Welles

AN ACT Relating to prohibiting contractors and general contractors from hiring unregistered contractors; amending RCW 18.27.010, 18.27.020, 18.27.200, and 18.27.340; and prescribing penalties.

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

SB 6860 by Senators Doumit, Hewitt, Jacobsen, Oke, Prentice, Parlette, Hargrove, Zarelli, Thibaudeau, McCaslin, Regala, Swecker, Rasmussen, Brown, Finkbeiner, Shin, Morton, Spanel, Deccio, Poulsen and Kohl-Welles

AN ACT Relating to naming buildings on the state capitol grounds; and amending RCW 43.34.090, 27.48.040, and 79.24.710.

Referred to Committee on Government Operations & Elections.

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 Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
 8692

By Senators Kohl-Welles, Schmidt, Carrell, Rasmussen, Berkey, Rockefeller, McAuliffe, Weinstein, Thibaudeau, Pridemore,

NINETEENTH DAY, JANUARY 27, 2006

Keiser, Regala, Franklin, Hargrove, Fairley, Shin, Fraser, Prentice, Haugen, Kline, Spanel, Eide and Johnson

WHEREAS, The State of Washington considers science, mathematics, and technology education to be the highest priority in preparing students for the workforce of tomorrow; and

WHEREAS, The State of Washington has developed science and mathematics essential learnings that will prepare all students to live and thrive in a science- and technology-based society; and

WHEREAS, Dennis Schatz, vice president of education at Pacific Science Center, has been awarded the 2005 National Science Teachers Association "Lifetime Achievement Award," the distinguished service to science education award; and

WHEREAS, Dennis Schatz achieved this award for his lifelong efforts to inspire an interest in science by students, teachers, and the general public through interactive exhibits, inquiry-based education programs, professional development for teachers, and activity books for children; and

WHEREAS, Dennis Schatz has provided leadership for Washington State LASER (Leadership and Assistance for Science Education Reform), a coalition that includes the Office of the Superintendent of Public Instruction, educational service districts, school districts, school teachers and administrators, and business partners; and

WHEREAS, More than one hundred thirty school districts that serve more than seventy percent of the students in the state are using the LASER process to implement a standards/inquiry-based K-8 science program; and

WHEREAS, Dennis Schatz oversees the science education programs at Pacific Science Center that brings more than seventy thousand students to the center each year, and he has a Science On Wheels program that brings science and mathematics experiences to one-third of the elementary schools across Washington State each year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend Dennis Schatz for his outstanding efforts in science education; and

BE IT FURTHER RESOLVED, That the Senate commend the Pacific Science Center for its leadership and dedication in providing interactive exhibits and programs in science, mathematics, and technology for students, teachers, and families throughout the State of Washington; and

BE IT FURTHER RESOLVED, That the Senate commend the Pacific Science Center for its leadership in Washington State LASER that helps school districts have a standards/inquiry-based science program taught by teachers trained to effectively use the science materials; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dennis Schatz, the board of directors of the Pacific Science Center, and to the board of directors of the National Science Teachers Association.

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

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

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Murray, Hankins, Pettigrew, Jarrett, McDermott, Grant, Lovick, Haigh, Moeller, Shabro, Santos, Kessler, Uptegrove, Tom,

2006 REGULAR SESSION

Hunter, Hasegawa, Walsh, Fromhold, Springer, Appleton, McCoy, Chase, Hudgins, Kenney, Lantz, Hunt, Darneille, Quall, Takko, Sommers, Williams, Sells, Green, Schual-Berke, Simpson, Clibborn, Conway, Linville, Cody, Kagi, B. Sullivan, McIntire, Dickerson, Miloscia, Roberts and Ormsby).

Expanding the jurisdiction of the human rights commission.

The bill was read on Third Reading.

REMARKS BY THE PRESIDENT

President Owen: "One moment Senator Fairley, the President would like to make an announcement prior to action on this bill. This issue that we are about to deal with generates much emotion. The President would like to remind our very welcome guests in the galleries that no responses or outbursts will be allowed in response to any action taking place on the floor of the senate and any debate or any action of the senators. I would very much appreciate it if you would honor that rule of the senate. Thank you. Senator Fairley."

Senators Fairley, Rasmussen, Franklin, Thibaudeau, Kohl-Welles, Finkbeiner, McAuliffe and Weinstein spoke in favor of passage of the bill.

Senators Swecker, Oke, Mulliken, Stevens and Zarelli spoke against passage of the bill.

Senator Hargrove spoke on passage of the bill.

Senators Kline, Shin, Brown and Regala spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

REMARKS BY SENATOR FAIRLEY

Senator Fairley: "Thank you Mr. President. Well, I've been thinking about discrimination a lot since this bill passed out of my committee. I realized that if I wanted to rent a house from you and you looked at the way I walked and you said 'Oh, she's disabled, I'm afraid she'll fall down the stairs and maybe sue me.' That's illegal. Can't discriminate based on disability. I know some people who just hate Vietnamese. They were in the war. They wouldn't hire them for anything. That's illegal. You can't discriminate based on where a person comes from. I know people who hate Jews. I'm not too sure why. I know they're not Christian, but I suppose they wouldn't hire them either. That's illegal. I know, I'm an antique dealer and we've had, a couple of times, we've had signs we've been able to sell that use to be placed in stores back in the East Coast. 'NINA, No Irish Need Apply. Now, that was because, in the old days, they hated the Irish and were afraid they'd take their jobs. You see, the other face on discrimination is hatred and fear. It always has been. It always will be and I think the people of Washington State are passed that. They don't think it's right, whether they try to discriminate based on physical disability, gender, ethnicity religion or sexual orientation. I'm asking you to vote for this bill, please."

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you Mr. President, Ladies and Gentlemen of the Senate for allowing me the opportunity to speak here today. I want to begin my comments with the statement that I think we can all agree on. Discrimination against anyone is unacceptable and is wrong. Unfortunately this bill before us today is not the magic tool that will end discrimination in our state. In reality, it takes us in the exactly the opposite direction. Because the measure before us today

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

would offer special protection for some of our citizens while limiting the liberty of others. Our State Constitution guarantees each of us the freedom of religion. Unfortunately, this bill would trample, unrelentingly, on the freedoms of citizens whose religious beliefs are in direct conflict with the bill's premise. In essence, the bill would place homosexual orientation above religious freedom because, although a church might be exempt under this bill, a business owner whose beliefs conflict with homosexuality is not. So, regardless of the business owners' religious beliefs or creed, he would be forced to bend his views. Under that scenario, we the state are telling the people to accept, actually to embrace something that goes directly against their religious views. Why? Because Government says so. When the heavy hand of Government drops down to buckle the rights of free speech and association, we all lose. After all, today it may be gay rights, but tomorrow it might be something the supporters of this bill do not like. The bill before us today is not one that will unite us. It is one that will divide us and close of the lines of communication out of fear that we may be understood.

Just picture the interviewer whose being asked to interpret but certainly not misinterpret another person's sexual orientation, gender expression or identity. Frankly, most people just want to keep that kind of information out of the work place but the definitions of gender expression and gender identity offered in this bill leave the door wide open for dispute and judicial reinterpretation in all kinds of ways. One unintended misstep, even with the best intentions, and someone could be accused of discrimination, be forced to pay penalties and need a lawyer without any intentional wrong doing. Under the bill's terms businesses can be sued for discrimination against someone even for a perceived sexual orientation. If that's not hole big enough from a lawyer to drive a truck through, I don't know what is. You know, the arguments for this bill might make more sense if we were talking strictly about the public sector. In the public sector, people of all persuasions and beliefs come together and make decisions that affect us all and their salaries are paid by public funds. But they cross the lines when government intrudes into the private affairs of people and private sector businesses this way. This is a highly charged issue for many people and we're telling those who have put their sweat and toil into building a company who they must hire. That is the wrong direction to go. I also believe the passage of this legislation places us on a slippery slope towards the legalization of gay marriage in our state. A brand new poll shows support for gay marriage in Washington is eroding. Only about one-third support it and only fourteen percent feel strongly about it. That's why the Governor and others are trying hard to separate this issue from gay rights and gay marriage, but the two are linked. As the Seattle Post-Intelligencer wrote in a recent editorial, 'we've the high court to overturn DOMA, the Defensive of Marriage Act, the connection between marriage and civil rights and this civil rights bill would be hard to avoid. The paper right. Yes, this bill has an amendment that it says it won't supercede state law related to gay marriage but are any of us really naive to think that the court won't take judicial notice of our actions as it prepares to issue a ruling on DOMA? Language has also been added to the bill to suggest that the bill is not an endorsement of homo sexuality. However, other elements of the legislation, contradict this assertion. In fact, the opposite is true. The language in the bill directs the Humans Rights Commission to promote goodwill and minimize or eliminate discrimination against homosexuals. The Commission will also be directed to foster good relations between gays and

heterosexuals through seminars, conferences, educational programs and other inter-group relationship activities. The Commission would be asked to come up with programs of formal and informal education which the Commission may recommend to the appropriate state agency. That state agency folks, is our schools. This means the Commission can create a state-sponsored pro-homosexual, education program that would be taught in our schools. In fact, it's a poorly kept secret that the agenda for that program is actually ready to go, just waiting for this bill to pass. This is an endorsement and a promotion of homosexuality and today I ask those who have said they would vote against the bill that contained that kind of language to hold true to that commitment. In closing, Mr. President, I'm going to join the sixty percent of voters in Washington who have already said they would come down against the idea of this bill. A few years ago the people voted on Initiative 677 which was similar bill. It went down by a super-majority. I'm going to vote against this legislation and I would urge my colleagues to do the same. Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Mr. President, Ladies and Gentlemen of the Senate. I didn't prepare anything for today because I did my homework. Last year when this bill was before us, I put on two amendments and they were put together as one. One of the amendments was adopted in the House this year and it says, 'This chapter shall not be construed to modify or supersede the state law regarding to marriage.' That's another affirmation in statute that the DOMA is solid and legal in this state. The other portion of the amendment was put on it, the House Committee and it said, 'This chapter shall not construe to endorse any specific belief, practice, behavior or orientation.' That's on page two of this bill. And if anyone wants to construe that this would not hold up in court as an intent on this bill. I would suggest, that as my nineteen years of being here that this would hold up in court. And so, I would think that if you said that this bill was going to lead to dissolving the DOMA I would have to tell you that it would take another bill, another piece of legislation, because this is the intent. And that's why I'm going to support this legislation. The other reason is I have nineteen little grandchildren and I do not want to think, have them think that I would ever discriminate against them or anybody in this world. I would not discriminate. I think people, all people, are equal and I especially thought this morning in the prayer when the Pastor read from the Old Testament, the Book of Micah. She was absolutely right. We are all created equal and that God would not want us to discriminate against anyone and so I would urge your support."

REMARKS BY SENATOR OKE

Senator Oke: "Thank you Mr. President. I'm going to have to turn my back to you but appreciate your acknowledging me and this is my family, I love you all. Joe, Senator Zarelli, I'm so thankful that your back with us today and God's peace to you and your family, I know you had some good news you shared with me about your dad and I really appreciate that. Most of you probably don't know, his dad died with multiple melanoma and that brings me back to the cancer that I still have within me. When I look back on my sixteen years, I will never forget the day you and Bill Finkbeiner presented me and Judy with the most wonderful tribute that a Senator I think has ever had. I just think the most of this body, but this bill is something that I have

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

to speak against. It's a very personal, very personal moment for me. The last couple of weeks, unfortunately I have lost a lot of sleep over this. I wake up at four and I can't go back to sleep, I just keep thinking about this. I know that all you recognize that my faith is my life, the Lord is my leader and everything that I do. It is because of this I can not support this bill. I believe homosexuality is morally wrong. It's through God's eyes that I see homosexuality and to him homosexuality is an abomination. The Bible is very clear on this. I believe this bill is an attempt to legitimize and normalize homosexuality. The bills goal is to teach that choosing homosexuality is okay and I'm deeply, deeply, deeply troubled by that. I can't support that. How many parents would choose this lifestyle for their children? How many parents here? You know, I'd like to just draw a curtain around our family and not pay attention to whose up in the gallery and the presses here and everything else. I think this issue should be amongst us. Having a child who chooses to be homosexual is very, very painful. I know this because my daughter Cindy has chosen the life of a lesbian and I share this, especially with you, not with the press, not with anybody else, but it's very, very painful for both Judy and I. We've been able to help Cindy out, to share our love with her, share our faith with her. Every since the very first day that she shared to me what her lifestyle was, she has been trying to change me and I quite frankly have been trying to change her. I'll share with you a moment that occurred just a month or so ago. She called, was very distressed and she's going through a couple typhoons and life just hasn't been good for her but she said, 'Dad, I want to come out and visit you. She came out a couple of times and we've sent her tickets and I said, Great, we'll send you a ticket.' She said, 'Dad, I want to bring my partner.' A long hesitation on my part and I said, 'I can't have that. I can't have you two in my home.' I'm sorry if that offends some people but if you take yourself in my position and think about that going on in your home, I just can not accept it. I'm sorry. That's called 'tough love.' I know language was added to this bill saying that the bill should not be construed to endorse homosexuality but it does. It clearly does. The Human Rights Commission educate, advocate for increase acceptance of those who are protected from discrimination. The Commission recommends educational programs to our state agencies which include the Office of Superintendent of Public Instruction that Senator Swecker so elegantly said, 'It's our schools' and I don't want to have any part of this being taught as an acceptable, in homosexuality, in our schools. By passing a law that makes homosexuality a protected behavior we are turning our backs on the people who need our love, guidance and understanding to become right in God's eyes. Please don't read in my words that I wish any harm to people who have lost their way in God's eyes. I wish with all my heart that they will find truth and change. But I fear this bill will greatly hinder their journey to the truth this bill will serve as an excuse not to seek the truth. I plead with you and ask you to join me in voting no. You know if this bill is approved today and it appears that it's going, to be the headlines for the next three days?' 'Senate approves homosexually lifestyle'. 'Senate approves homosexually lifestyle'. That's wrong and I don't want to be a part of that. God Bless you."

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you Mr. President and Ladies and Gentlemen of the Senate. This certainly, indeed, is a very, very moving time. I certainly appreciate the civility by which we are discussing and debating this issue. Being civil in a debate and

respecting each other is very, very important to me and I appreciate it. You know for quite sometime this issue has been around for many, many years. Thirty? Thirty years. I've prayed about it, I am a Christian. Christians do not, are not in just one party. Christians are everywhere, in each party and I live my faith trying to every day but as an African American woman and one who knows discrimination, one who has experienced discrimination, one who has heard insensitive remarks. I can not, I cannot say, 'discriminate' against anyone. In High School there was a class mate of mine, many, many years ago, before homosexuality was ever mentioned. In fact, there were two and they were young men. They were treated very, very, badly. They were called 'faggots.' They were called 'girlie.' They were called horrible names. I come from a family who has taught and practiced justice and equality for a life time. When that happened in my school and I went to segregated schools and that happened in segregated schools. These two students grew up to be very talented young men. One was a musician, the other was a teacher and that experience that transpires in today's world should not happen. Dr. King, if he were, here and I read his writings a lot, would not tolerate discrimination. And the writing of Reverend Dr. Martin Luther King and I quote, 'The hope of the world is still in dedicated minorities. The trailblazers and human, academic, scientific and religious freedom have always been in the minority.' And as I said, not anyone knows that better than I do. The rights of the minority must always be protected. Otherwise, the majority most times always trample on the minority. It was that creative minority of whites who fought against slavery. It was that creative minority of whites who absolutely committed to civil rights that made it clear to the larger society that vacillation and procrastination on racial justice was unacceptable, and, you know, the rest is history. If some of the civil rights leaders were alive today, I would undoubtedly say, No discrimination. No discrimination on any human being.' This bill simply extends human rights protections, civil liberties, to a group of people who pay their taxes, who work hard every day, who contribute to society, who should have the same rights as each of us do in this chamber. It's not special privileges. It's merely saying, 'Treat me the same, let me have the special, the civil rights that you have. Do not discriminate against me in housing, in employment. Do not. And I say to you ladies and gentlemen, it's not special rights. It's merely extending the rights to a group who have been treated very badly. We can not continue this any longer. Thirty years have been absolutely too long. It took a hundred years for me, they're doing it in thirty but yet it's just too long. Support the bill."

REMARKS BY SENATOR MULLIKEN

Senator Mulliken: "Thank you Mr. President, and first I'd like to say thank you for recognizing the difficulty of this debate and reminding all of us of what a difficult conversation this is that we have. I think it's most important, as I also with along with the Senator from the Second District, listen to the words of Micah and the prayer that was offered this morning, that all people are equal. We know that God created us equal. He tells us that and we all believe that and our constitution says that we have those rights. To life, liberty and the pursuit of happiness and all people are equal, and with that, I certainly do support treating all people with dignity and with respect and to understand that every human life has a value. But then I look at this proposal before me and it's not about, it's not about human value. It's actually about expanding the definition of who is

NINETEENTH DAY, JANUARY 27, 2006

going to be in a special class. So that's not it, the discussion of human value isn't part of it. We're talking about a special class of people being treated under the Human Rights Commissions preview and I think we've had a lot of discussion which is very true, I would just remind a few of you that certainly the Human Rights Commission has already been directed under our law to promote, to advocate, to protect, to present, to offer programs against discrimination for all kinds of classes that are listed and those classes in law, I don't have them in front of me but I know that some of them include age, as I have turned sixty this year, age is a big deal to me, gender, I am a woman, race, some of us have to deal with that differently than others, physical disabilities, we know that people need protecting, economic and social status, we know that for some people it's difficult to get a job when they haven't had an education or they're living off the streets. So we know that there are classes of people that need to have be protected by the Human Rights Commission. But what we're saying now is by identifying sexual orientation which has a lot of subtitles under it it's about homosexuals, lesbians, bisexual all kinds of other kinds subtitles that go under sexual orientation and it's open to a lot of interpretation as to what that can mean. So now we are empowering or we're actually, the Legislature is directing not empowering, they already have the power, we're directing the Human Rights Commission to advocate, educate, promote under sexual orientation and we don't really know what that means because there's a long list of titles under that. One of the concerns that was brought to me about a month ago by a constituent was our education system and what's going on at OSPI. I have a copy here of the self study document of 2006, the spring of 2006. The OSPI's publications are going to include materials, now this is for kindergarten mind you, this is for five year olds; kindergarten and then first, second and third grades, I think it's K-3 but here's the page for the kindergarten self study spring 2006, five year olds.

The cultural responsiveness is going to put into educational materials, presents, all human beings with respect and dignity, this is good, while avoiding images and roles that might be perceived as stereotypic or negative. For example; ability, disability, age, cultural, ethnicity, gender, language, race, religion, all very good, sexual orientation and socioeconomic status. So, our kindergarteners are now going to hear the promotion of a life style that we know isn't even preferred by those who live it. I can share a personal story myself. My sister-in-law, I love her my husband's sister. She carries my same last name and her name is also Cindy and she is kind, she is generous, she is a good family member, she's a good community fellow member. I love her so much and she lives as a lesbian. It doesn't mean I don't love her because of they way she's living because I do. I don't want anyone to treat her unjustly but she's had an education, she lives in a beautiful condominium in West Seattle, she's retired from a very good job because she worked hard and because she was educated and she was good at her job. In my experience with her, she has not been discriminated against because of her life style. So, I'm not sure I understand the reasoning for this except to promote an agenda that, and I'm going to close because I know that I'm going on too long but I want to read one thing from the Catholic Conference Testimony which is important to me. 'In our current cultural context, gay rights are being promoted. Some favor making homosexual relationships as normal as marriage both legally and morally. Under this proposed bill even with the amended version those who wish these relationships promoted and protected may have legal cause for action.' If I were a

2006 REGULAR SESSION

lawyer I'd be salivating over this. So I urge your opposition and your 'no' on 2661."

REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Thank you Mr. President, rising, shouldn't surprise you, in support of Substitute House Bill No. 2661. I know that the decisions have been made and I respect those who feel differently than I do but last time we debated this issue I talked about four people, four extremely effective Legislators, Ed, Joe, Dave and Jim. Now, I'd like to talk just about a little bit again putting a face on some of these people as some of you have with relatives. They're successful attorneys, very successful attorneys, quite well off, they're directors of agencies, they're effective administrators and government services both in government and private agencies, they are extremely generous community volunteers and donors, loving mothers and loving family members. They are lesbians. Judy, Carol, Jenny, Pat, Ellen, Tina, Laurie and Jan, don't expect special treatment. They have been very, very successful but as my friend Randy said, 'At least we should be treated as human beings.' I think that this bill reflects that philosophy and certainly mine and I urge your support. Thank you."

REMARKS BY SENATOR STEVENS

Senator Stevens: "Thank you Mr. President, Ladies and Gentlemen of the Senate. This is indeed a very sad day for the State of Washington. As we all know, this bill is going to pass. It's a sad day for me especially because I remember fourteen years ago when this bill was being debated, the crowd was so large that it couldn't be held in a hearing room. They had to move the entire debate to the House floor where the people were allowed to fill our seats as the audience as this was being debated. We defeated it then because of its very nature and what it would mean for the State of Washington. Nothing has changed. The reasons that we defeated it then are still the same reasons today. We're all aware, though, that we did recently pass a piece of legislation that required a two-thirds vote in both chambers that defined marriage as between one man and one woman. It was referred to earlier by my colleague who reminded us of DOMA. As we're all aware language has been added into this bill that says, 'It will not override the state regulation and relation of one man and one woman being called marriage.' Of course, we're talking about gay marriage when we talk about what other marriages might mean. But I'm sorry to tell you that the meaningless wording in this piece of legislation will not carry us. As we are kidding ourselves to believe that wording in this bill is going to be deemed absolutely meaningless when it comes down to where the rubber meets the road. Because we all know that the courts are about to rule on the Defense of Marriage Act. If they rule against the language, in this law prohibiting what we are saying here today will not have meaning whatsoever. What we need is something in our state constitution that guarantees that we will, of the people, stand for what we say we are standing for in this piece of legislation. Mr. Speaker, I would ask that those who have said they want to keep marriage between one man and one woman to vote for an amendment, an amendment to the constitution. A recent poll on gay marriage shows only one-third of the people in our state support gay marriage and only fourteen percent feels strongly in favor of it. This is what the people in our state want, Mr. Speaker. I urge the members of this chamber to vote for an amendment that would put it in our constitution, once and for

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

all, regardless of what might be coming out of the Supreme Court. If you truly mean what you are saying in this particular bill, you will agree with me and you will help us pass that amendment. Thank you Mr. President.”

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: “Thank you Mr. President. Well, there’s very much that I would like to say with your permission, I instead will read a very short passage from remarks made by Eleanor Roosevelt. Thank you Mr. President. Well, Eleanor Roosevelt’s remarks that I’m going to read were made back in 1958 during a presentation of a Human Rights book to the United Nations Commission on Human Rights. I believe they are as relevant today as they were back then. ‘Where, after all, do universal human rights begin. In small places, close to home, so close and so small that they can not be seen on any map of the world. Yet they are the world of the individual person: The neighborhood he lives in; the school or college he attends; the factory farm or office where he works. Such other places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home we shall look in vain for progress in the larger world.’”

REMARKS BY SENATOR FINKBEINER

Senator Finkbeiner: “Thank you Mr. President, Ladies and Gentlemen of the Senate. You know, a little bit’s been said about some of the words that are in this bill and what’s in there and what’s not and we’ll talk a little bit about that. A lot has been said about the impact on business. It’s clearly exempts small businesses, anyone with eight employees or fewer is exempted under this law. Some folks have talked about religious organizations and how their constitutional rights will be violated. It’s clear that this bill doesn’t allow that and even if it did we have a constitution. This is a law. This is not a constitutional amendment. Our constitution still stands. A lot has been said about marriage and where this is going to go. That’s in the courts. This bill is clear on what it does. It doesn’t effect that. That’s in the courts. Some has been said about immutable characteristics and how that’s generally covered in the current underlying law. That also covers whether or not you have kids. That’s covered in the underlying law. You can’t be discriminated against if you have kids or not. You can’t be discriminated against, in the underlying law, if you’re married or not. You can’t be discriminated against because of what religion you practice. I don’t think those are any more or less immutable than what we’re talking about here. What we’re really talking about here, I think, and where the emotion comes in this debate and why we are spending so much energy on this issue is because what the debate is about is not what’s in the bill. What the debate is about, and part of what we’ve heard today, is whether or not it’s okay to be gay or homosexual in this state. Whether or not it’s appropriate to be discriminated against or to discriminate against someone because of that. Someone earlier, earlier speaker said, ‘Well, you know how a parent feel and how would, you feel. Would you choose this lifestyle for your children? Parents don’t choose this for their children. People don’t choose this. We don’t choose who we love. The heart chooses who it will love. I don’t believe that it is right for us to say-which I would believe we would be saying at this point if we turned down this bill-to say that it’s acceptable

to discriminate against people because of that, because who their heart chooses to love. I can not stand with that argument. You know we’ve also, some people have said, ‘Well, this will rip the state apart.’ I don’t believe that and certainly hope that’s not the case. I really believe that there a lot of people out there, who are your neighbors, who are your co-workers, perhaps some of them are in your family and in a lot of these cases you probably don’t even know if these people are gay or lesbians. You just don’t. And a lot of those cases those people are being sent a message from a lot parts of society and sometimes, I think, from this legislature. Who their hearts chooses to love is wrong and they are wrong, and they are immoral. And I don’t believe that’s true, I just fundamentally, don’t believe that is true. I know that there are some really, kind and generous and loving people here today who disagree with me and I hope, and I know that there’s some real kind and loving and generous people who are not here today in this building who disagree with me on this issue. I hope that after the passage of this bill we will see that the world continues to turn, that our lives continue to go on. That the things that we care about and the things that we struggle with in our daily lives continue to be mostly the same but for some people, for some people, who struggle with this issue and struggle with messages that they are being sent, it will be a better day. And maybe for some people that might disagree, they’ll see that things keep going, they keep going well, the world does not end. The issues that we struggle with will be the same tomorrow for most of us and that those people are okay, that’s there’s nothing wrong with them. This is been a terribly difficult issue for me and I appreciate the chance to explain my reasons why I will be voting for this bill today.”

REMARKS BY SENATOR ZARELLI

Senator Zarelli: “Thank you Mr. President. It is important that we have a civil discussion on this matter, I think and we’re doing that today. You know, it’s amazed me throughout the debate on this, both in the press and individually and as we talk today, that first of all, it appears to be okay to use religion if your arguing for this bill but it seems to me that, in the press in all of the discussions, if you use religion against this bill then your looked at as extreme. And that really brings us to the point of debate here. Years ago, this whole issue really focused around tolerance. We need be tolerant of other people and what they choose to do. Isn’t that what this really boils down to this debate? Take religion out of the debate. What it really boils down to is whether you choose your lifestyle or whether your born with your lifestyle. Nobody can tell us the answer to that question. And because of that, today we’re making a decision by that your born with it. Protecting a class of people based on a behavior, we have to first say that’s there’s nothing that they can do about it. And that’s the decision we’re making today. And I believe that’s really what the debate boils down to. Whether you make it a religious or secular discussion. It’s whether, it’s important because a group of individuals are discriminated against because of something that they can do nothing about, and that’s the decision we’re making. And those who vote for this legislation are saying, without a doubt, that your clear in your mind, that we need to protect a class of Americans, in this case Washingtonians, because of something that they are that they can absolutely do nothing about. Well, I don’t believe that. And today my vote is going to be no because I think that it’s very important that we don’t get down the road of deciding to protect people because of how they choose to act because of a behavioral distinction that is different than, in this

NINETEENTH DAY, JANUARY 27, 2006

case, the norm. So what we're going to do today in passing this bill, is we're making that decision. We need to make that very clear. We're deciding that, on behavior, that it's important to protect people's choice and that's vastly different than whether you're married. It's not the state's desire to tell somebody that they ought to get divorced. It's not the state's desire to tell people that they ought to get rid of their kids. It's not the state's desire to tell you that come back when your white because your black. Because those are things that are in the public's best interest and that's to accept each other for the gifts and the distinctions that we're born with. I'm not ready to say today, folks, that we're going to go out and share with people of this state that, because there's a class of people out there who are born with a distinction that can not overcome because it is within them, that we need to protect them. If somebody can make that case to me today I would most definitely we have to do that but that is not proven. We're not close to proving that. So I think it's very important Mr. President, that we understand what we're protecting today and it isn't important what the behavior is, only that it is a behavior, and that takes us down a road that ought to be concerning to everybody. Thank you."

REMARKS BY SENATOR MCAULIFFE

Senator McAuliffe: "Thank you Mr. President. I stand in support of Engrossed Substitute House Bill No. 2661. In reference to the Senator from the thirteenth, twentieth and twenty-sixth district speaking about curriculum in our public schools, this does not open the door to that, to what is taught in our public school. This bill is about our children in those schools who have been harassed, dissed and bullied to the point where they can not attend schools. A few years, Governor Gregoire, who then was the Attorney General, and I listened to stories from children all across the state about how they were discriminated against in our schools, isolated and could not learn or attend school because of the bullying. They are denied an education. Their stories saddened me. They have a right. They've a right to an education, free of discrimination for who they are. What will they be taught in our schools? They will be taught tolerance. Tolerance for all people regardless of the color of their skin, how heavy they are or skinny they are, whether they have red hair or black hair. They will be taught tolerance for all people. If I may, Mr. President, I'd like to add that in support of Engrossed Substitute House Bill No. 2661 I wish to vote twice today out of respect of my seat mate in 1995 and our past colleague, Senator Calvin Anderson. I want to honor his integrity, dignity and courage as he fought and strove to make all citizens of Washington State equal under the law."

REMARKS BY SENATOR WEINSTEIN

Senator Weinstein: "Thank you Mr. President. Mr. President I'm proud today to do my small part to end discrimination in our state by voting this long overdue bill. Passing this bill will allow Washington to join the community of states around this country who have said that we can no longer treat gays and lesbians like second-class citizens. We will be joining Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and Wisconsin. People have said that this bill would tear our state apart. It hasn't torn any of those other

2006 REGULAR SESSION

states apart. Mr. President, discrimination based on sexual orientation is no more acceptable than discrimination based on race. Throughout our nation's history there have many legislators who in the past have voted to discriminate based on race and many of these legislators around the country have apologized for it, felt bad about it and wished they'd never done it. I feel very strongly today that those who vote against this bill many years from now will be judged very harshly by future generations who will look back when all people will be treated equally and look back and think, 'How can anyone have voted to discriminate?'"

POINT OF ORDER

Senator Deccio: "I think the speaker is impugning the motives of those of us who don't favor this bill. I think he ought to stick to the issue and not look to future generations and demean some of us who will not be supporting this legislation."

REPLY BY THE PRESIDENT

President Owen: "Senator Deccio stands correct that your not to refer to the reasons for people but rather than debate on the issue itself."

REMARKS BY SENATOR WEINSTEIN

Senator Weinstein: "Mr. President, I was merely saying that future generations, I think, would look unkindly at those who voted against this bill because this is a conservative bill. The Senator from the forty-fifth has said, it is not about gay marriage, it exempts religious institutions, it exempts small businesses. In fact the major businesses the leading businesses of our state support this bill. And many religious leaders around the state support this bill. I've heard some people say that it's an abomination, voting for this bill you'd be supporting an abomination or sin. The Supreme Court of the United States has already said that what goes on behind closed doors in someone's bedroom between two consenting adults is none of the governments business. So, what is the sin we're talking about? Your sexual orientation is a sin? Your identity? Who you are is a sin? God would not make it a sin to be who you are. Mr. President, the gay and lesbian community has waited long enough for this bill. Let's not waste anymore time in doing away with their second-class status. Thank you very much in helping me support this bill and try to pass and once in for all do away with discrimination against gays and lesbians, thank you."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. Well, I really wasn't planning on speaking today and I think that there's been adequate discussion about why you would vote for this bill and why you would vote against this bill so I'm not going to get into that. I would just like to say that tolerance is a two-way street. And that if you believe it's wrong to think that gays and lesbians have a wrong lifestyle, other people believe that it's wrong for me to believe that that is wrong. That's, there's no two ways about it. You have to believe I'm wrong to have the other opinion. As we've discussed, kids in the school, they certainly shouldn't be harassed or bullied but now we have the opportunity to have kids in the school whose parents believe that that lifestyle is wrong. They're going to be told that they are wrong. And that their parents are wrong for having that

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

belief. So, I'm just praying today knowing probably how this is going to turn out today that tolerance will be a two-way street. And that we won't be telling people that believe in a different way, they way I do, that the lifestyle is wrong, but because we believe they are so wrong now we will take it out on them and that's my only prayer for today."

REMARKS BY SENATOR KLINE

Senator Kline: "Thank you Mr. President. I certainly recognize, as I believe most of us do on this floor certainly, that it's personally a very difficult call. For those of us whose family life, whose religious beliefs, whose culture requires a no vote. I believe there are many of us also whose religious beliefs, whose family history and whose culture requires a yes vote. As somebody who comes from a constituency that's almost unanimous about this bill, I certainly recognize the difficulty that many people have on the other side of this room. It's a difficult call for people who think morally, who think in terms of an absolute that is set upon us, that is not entirely our own doing. Are we doing right or wrong. And I believe that forty-nine of us will take that very seriously today. My own religious belief leads me to believe that there is a necessity a demand upon us to do justice. 'Justice, justice shalt though pursue.' Rabbi's tell us that word is repeated because it's the first. It's the foremost. All of the others come from that. The word for justice is *tzedakah* in Hebrew, is the same as the word for charity. It means the same thing. Charity is not allowed of us. It is demanded of us. I understand that not every religious tradition feels that way. There are forty-nine reasonable people in this room who will come to forty-nine different and very personal conclusions. I want to assure my good friend from the eighteenth and my good friend from the twenty-fourth that this is not a matter of casting aspersions on anybody's personal moral thinking. It is a recognition of the difficulty of this question. I certainly recognize those who come to this with a degree of very serious intellectual participation. My religion requires me to vote yes. I understand there are differences. Thank you."

REMARKS BY SENATOR SHIN

Senator Shin: "Senator Shin: "Thank you Mr. President. I rise in humility to express some of my thoughts. Yes, we all have our religious beliefs, philosophical, moral, academic views. In this chamber those views notwithstanding, we came here to support the justice for all, all people. I believe we humans we are very biased. I'm not who I think I am, I'm not who you think I am, I'm who you think I think I am. We are interdependent beings, therefore we have opinions. Going back to sixteenth century it is Thomas Hobbs who says 'man by nature is an evil and wicked because we're selfish'. On the other hand John Locke says 'man by nature is good because we have love, have a compassion for each other'. In 1815 Austrian foreign minister Count von Mettemich who says 'I tell myself twenty times a day how right I am and how wrong you are', that's human being, ladies and gentlemen. I have a religion, I have a belief. Throughout the half century of trials and tribulations in this country I believe my prayers. My scripture reading, helped me to be the way I am today. You know I'm kind of an example of a discrimination, which is the subject today. Unfortunately, the country where I was born my mother died when I was four, my father abandoned me. I grew up in street corners, kids come and throw rocks at me, beggar boy,

street urchin, not deserved to be loved. Going for begging people threw me out saying 'you're not wanted'. That's discrimination! I left my country to find a new rainbow, find the freedom and self confidence. In this country my adopted parents are loving. They couldn't be nicer. My father, who adopted me, has been gone for nineteen years. Even today when I think about him I still care for him and love him so much. Religious views may be different but in this country in 1950's, I was not wanted. In 1958, I got drafted into the U. S. Army, taking training in Texas. Restaurant there was 'whites only' sign, I went in with my soldiers together. I was thrown out. As my seat hit the concrete floor as they threw me out you have no idea the feeling I had within me. It was hard to take. And I prayed to God, why this, why am I subject to discrimination all my life, in my old country, here... I lived in Japan for two years to study and there I was foreigner because I happen to be Korean. Why this and why that? The discrimination that we're talking about, even though there may be evidence of substance, it's assumption. I don't mind telling you for many, many years when I go to different location, first thing come to my mind are these folks going to accept me or reject me? Ladies and gentlemen, it's a terrible feeling to have that. Are they going to accept me or reject me because of what I am? It's hard. Fifty years... It took me a long time to over come that. Going to the barber shop same thing. I've been called many names, gooks, orientals... It hurts. This bill simply talks about discrimination. We're all God's children, God loves all, and Jesus forgives sinners, debtors, prostitutes, and even murderers. And here we are in a body of, we as legislators believe what it says word by word. It says specifically that inclusion of sexual orientation in this chapter shall not construed to modify or supersede state law relating to marriage. Ladies and gentlemen, this bill is not talking about marriage, it's talking about human rights and dignity. I come before you in humility, we all humans, we all have weaknesses, we all have bias and I suggest to you to we open our hearts to accept all people. We are endowed with certain unalienable rights which are life and liberty and pursuit of happiness for all people. I use to think myself as a colored man, colored man was a very ugly thing. As a house boy in 1952, I worked for seven army officers. One day I walked into their tent I saw Lt. Booth sitting on his cot crying. He happened to be African American. I was afraid to see him crying so I ran and then he called me and asked me to come. He asked me to set next to his bed. 'You know why I'm crying', I said, 'No sir, I don't know'. Then he pinched his color, pinched it so hard because this. 'I had a chance to be promoted as a Captain for the last seven years but I have been passed over again'. That hurt me. Only way I could compensate him is to do a little extra spit shine his shoes, do a little bit better job ironing his clothes. My feeling was that I didn't count because I was Korean house boy, but I felt his feeling because I experienced discrimination. You know by coming to this legislature you taught me one thing; as I say I used to think myself as a colored man. I used to be afraid to go places, wondering what people would think about me, my valuation always a question suspected. I was discriminated because minority, Asian, adoptee and orphan but today ladies and gentlemen because of you folks here, you taught me lessen. I'm not a colored man anymore, I'm a man and I'm a child of God which you all believe, therefore I'm not afraid anymore. This is all I'm doing to teach young immigrants to this country, young people of a color you shouldn't be afraid of anything. You have nothing to fear but fear itself and denied that opportunity and still even though assuming inside certain attitude displayed, I think is wrong. Thank you very much."

NINETEENTH DAY, JANUARY 27, 2006

2006 REGULAR SESSION

REMARKS BY SENATOR BROWN

Senator Brown: "Thank you Mr. President, thank you all for your indulgence on this long debate. You already know my views on the issue. There are a couple of arguments that have been raised that I would like to address, especially those raised by the last speaker, who I think brings forward a lot of specters, of things that could happen, I think he mentioned a Pandora's Box. Well, let me just suggest that in 1999 the city council of Spokane adopted an ordinance that included sexual orientation within the purview of the local Human Rights Commission. A group of citizens came forward and said they didn't like that, and tried to strike the ordinance down, and the citizens of Spokane upheld the ordinance. And then, since 1999 no Pandora's Box has been opened. Um, there have been eight complaints, some of them based on hateful communication, some have been based on property damage. According to the Human Rights Commission they have been resolved, some with the assistance of the Spokane Police Department. Not a single business has registered a formal complaint about being required to accommodate someone, in some unfortunate way that might have been raised here today. So I think it just doesn't wash that horrible things are going to happen when we pass this bill, I think it stands that, actually, life will go on pretty much the same for pretty much everyone in Washington State. And I guess in some ways I agree the most with the Senator from the 45th when he said that the thing is that you really, for the most part, unless someone chooses to share the information with you, know very little about each others sexuality or sexual orientation. And that is just fine with me. What it really means is that sexual orientation is not related to the job that you do at work, to your ability to rent or buy a home, or to the financial practices that we engage in as a society. That's all we are really saying, is that the sexual orientation is not relevant to those matters. It doesn't mean you should change your views about an individual's sexual orientation, if you want to condemn it, you may condemn it. In your speech you are free to do that, you may speak about it, and write about it, and communicate with people about it. And I would stand for your right to always be able to express your view on it, and for children in schools to be able to express different points of view, as well, based on their beliefs. And when the Human Rights Commission is told to go forth, they are not told to go forth and promote anything except good will and good relations among people, which of course I think should be something that we appreciate and desire for our state. Above all, we don't know for the most part, the sexual orientation or the sexual practices of the adults we meet all the time, and pass on the street, and interact with everyday. There are gay and lesbian Washingtonians sticking IVs in our arms, and serving us hamburgers at Dick's. They are librarians and executives and Legislative Assistants in the Washington State Senate. They are our daughters, our sisters, our uncles and cousins, our friends and neighbors. A good senator from the 6th should know, that we don't know, I would not presume to say, and I do not believe that you know, about the immutability of the particular characteristic. We don't really know about economic deprivation or political powerlessness, because so many people are afraid to come forward with their sexual orientation. How would we even scientifically know that? We do know however, because some people have been proud and dignified and respectful enough to be accepted, to come forward, to accept others. We do know that our gay and lesbian Washingtonian family, friends and neighbors have all kinds of jobs, they live in all kinds of houses. Yes, some are very nice

houses, on the South Hill of Spokane, but some open their door and look out on the Palouse, in the most rural parts of our state. And some, sadly, are homeless. And they go to the Spokane Symphony, but the also go to the Cheney Rodeo. They go to church, they watch the Oscars, and they root for the Sea hawks. They serve our country. Gay and lesbian citizens died in 9/11, and are defending our country today in the Armed Services, of this nation. Ladies and Gentlemen, in closing, let me say that when the Senate takes a long time to decide an issue that is very controversial, as you can see it is not because we don't care. It's because we care so much. And it is fairly likely that the debate that we are having today has not changed the minds of the individuals who are about to vote. And ironically, we all know, as you know Mr. President, that often, passing a law does not change someone's mind or heart about an issue. On the other hand, interestingly enough when someone changes their mind, or changes their heart, that can change the law. But as we go forward today, no matter what happens, some of us will walk away with a feeling of victory, perhaps a desire to have a celebration. And some of us will walk away in sorrow, in disappointment, perhaps even a feeling of defeat, or extreme sadness about what they might believe will occur. I would just like to ask us, that as we walk away today, let us walk away with civility and respect for each other, respect for each other's differences and for each other's different point of view. Lets walk away resolving to continue to find common ground to better the lives of the citizens of Washington state in the ways we believe we can best do that. And let us go forward with courage, with the courage to have a conversation, as we have had in a limited way today, with someone who does believe very differently than we do. It sometimes takes a lot of moral courage to have that kind of conversation. Let's go forward, not just here, but those who are listening, as well. Let's all go forward and have such a conversation, because this will not be the end of this discussion. So let's not mark it as the end of something, let's mark it as the beginning of going forward, of having those difficult conversations with our neighbors and our friends, and finding out what is in each other's minds, and in each other's hearts. Thank you Mr. President."

REMARKS BY SENATOR REGALA

Senator Regala: "Thank you Mr. President. Well, I believe today is a very historic day. We have had a number of very thoughtful speeches as someone earlier said 'all forty-nine of us have thought long and hard about our vote today'. Again there have been many excellent speeches with regards to people's convictions about their vote and so in the spirit of non discrimination."

REMARKS BY SENATOR BENSON

Senator Benson: "Thank you Mr. President, ladies and gentlemen of the Senate. I rise today to oppose House Bill No. 2661. I think it's important to stress that I believe bigotry is wrong. I believe racism is wrong, prejudice, the least to hate, the least of violence is wrong. If that was the question before this body today there would not be a debate and there would not be a descending vote. I also want to stress that I stand proudly as a member of the Republican Party today. Our party was founded during our countries fight against slavery. In fact Lincoln's most famous speech includes the words, 'dedicated to the proposition that all men are created equal.' Our leader so believed in that principle that he put his reputation, his political career and

NINETEENTH DAY, JANUARY 27, 2006

eventually his life on the line to defend it. I'm proud that in 1964 it was my party that was the key to passing the original Civil Rights Act. I'm proud of my party's commitment to equal treatment under equal laws for all of Washington's citizens. The legislation before us today asks a specific question, 'shall certain individuals receive special legal protection based on a broad definition of sexual orientation,' indeed, this definition includes perception and we have never had anti-discrimination laws before that included perception as a basis. Mr. President, I believe this legislation is unnecessary, it's unwise and it creates uncertainty. It's unnecessary because homosexuals do not meet the three criteria that courts historically use to characterize minority groups in need of protection, economic deprivation, political powerlessness and immutable characteristics. Homosexuals have in many cases and probably on average I guess is the best way to say it, higher incomes, better jobs, higher education levels, drive better cars, have better houses. There is not systemic evidence of a class of people that's discriminated against as we had in other cases. It's unnecessary because there's not a record of government sanction, systemic discrimination. Not only do I believe this is unnecessary, I believe it is unwise, it's unwise to dilute previous civil rights protection that this state has granted. Those people were granted those rights because of governmental and societal abuse. We can't compare this with laws that were designed to protect people being denied the right to vote, the right to sit where they wanted to on a bus, the right to patronize a restaurant and the right to not be rounded up by the government and placed in holding camps. Today is a different world. These are not the same class of people that we have protected in the past. I believe the average citizen in Washington wants tolerance and they want reasonable accommodations based on sexual orientation. This bill however goes well beyond that and I'll give you an example of what I believe to be reasonable accommodations. My wife works at Macy's, you know that and they have a transvestite that comes in and he'll pick out some clothes and try to slip into the women's dressing room. When they see him going in they'll always say 'I'm sorry, but you need to use the men's dressing room.' They don't tell him he can't try on those clothes, nothing along that line but they do draw the distinction that men go in the men's dressing room and women go in the women's dressing room. What happens with this bill? He is being discriminated against because he doesn't get full enjoyment of the facilities based on the liberal interpretation. It's also unwise because the citizen's of this state has spoken on this issue. Sixty percent of our state voters said no. Do not add sexual orientation to existing civil rights laws. Let me reiterate that, Initiative 677 which couldn't be argued was awkwardly worded because it was presented by the other side, passed sixty percent said no. In fact the Initiative only passed in four out of forty-nine districts. Rarely do we vote on an issue here in Olympia where the citizens of the state have spoken so unequivocally. I believe this legislation leads to uncertainty, uncertainty for business's, uncertainty for churches and uncertainty for organizations and associations around the state. Will there be discrimination against people because of their religious beliefs and those expressions of those beliefs? Mr. President, ladies and gentlemen of the Senate, is it fair of the state to label one persons morality as illegal bigotry? Because this new class of rights would be solely perception based and liberally construed, will it supersede all other rights? Will this newly created perceived right now trump all the others, even ones protected by both state and federal constitution. I believe that we're opening a Pandora's box on legal ambiguity today

2006 REGULAR SESSION

with this legislation. In closing Mr. President, it's very important to me to protect all the rights of all our citizens and many of the speeches today express that belief and I agree with the other side when they talk about life, liberty, pursuit of happiness, no one should have those things denied because of who they are regardless of what that definition is. But I do believe that we are diminishing our rights and our common liberties when we require citizens to publicly interpret one another's sexual orientation, gender expression or gender identity because this is based on perception. It will emphasize our differences and repress the opportunities for greater understanding. In the end I believe it will lead to a more segregated society and more divided society. Mr. President, I urge a no vote on House Bill No. 2661. Thank you."

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

MOTION

Senator Regala moved that all remarks be spread upon the Journal. The motion was carried.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2661 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2661 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hargrove, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, as amended by the Senate, 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.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2661 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Esser, the Senate advanced to the ninth order of business to relieve the Committee on Judiciary further consideration of Senate Joint Resolution No. 8210.

Senator Eide objects to the motion.

Senator Eide demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

Senator Esser spoke in favor of the motion.

NINETEENTH DAY, JANUARY 27, 2006
 Senator Brown spoke against the motion.

2006 REGULAR SESSION
 SIGNED BY THE PRESIDENT

The President declared the question before the question to the motion by Senator Esser to advance to the ninth order of business for the purpose of relieving the Committee on Judiciary further consideration of Senate Joint Resolution No. 8210.

The President signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661.

MOTION

At 1:32 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon a.m. Monday, January 30, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

The President declared the question before the Senate to be the motion by Senator Esser to advance to the ninth order of business to relieve the Committee on Judiciary further consideration of Senate Joint Resolution No. 8210.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser advance to the ninth order of business to relieve the Committee on Judiciary Senate Joint Resolution No. 8210 and the motion failed by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hargrove, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

Excused: Senator McCaslin - 1.

MOTION

At 11:46 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 1:30 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

January 27, 2006

MR. PRESIDENT:

The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, and passed the bill as amended by the Senate. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 27, 2006

MR. PRESIDENT:

The Speaker has signed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

2661-S	Introduction & 1st Reading	3
Messages	8210	13
President Signed	Other Action	13
Speaker Signed	8692	13
Third Reading	Adopted	4
Third Reading Final Passage	Introduced	3
5183	PRESIDENT OF THE SENATE	
Committee Report	Remarks on ESHB 2661	4
5717-S	Reply by the President	9
Committee Report	WASHINGTON STATE SENATE	
6056	Point of Order, Senator Deccio	9
Committee Report	Remarks by Senator Benson	11
6133	Remarks by Senator Brown	10
Committee Report	Remarks by Senator Fairley	4
6166	Remarks by Senator Finkbeiner	8
Committee Report	Remarks by Senator Franklin	6
6182	Remarks by Senator Hargrove	9
Committee Report	Remarks by Senator Kline	9
6201	Remarks by Senator Kohl-Welles	7
Committee Report	Remarks by Senator McAuliffe	8
6207	Remarks by Senator Mulliken	6
Committee Report	Remarks by Senator Oke	5
Other Action	Remarks by Senator Rasmussen	5
6244	Remarks by Senator Regala	11
Committee Report	Remarks by Senator Stevens	7
6377	Remarks by Senator Swecker	4
Committee Report	Remarks by Senator Thibaudeau	7
6421	Remarks by Senator Weinstein	9
Committee Report	Remarks by Senator Zarelli	8
6422		
Committee Report		
6473		
Committee Report		
6485		
Committee Report		
6512		
Committee Report		
6515		
Committee Report		
6522		
Committee Report		
6559		
Committee Report		
6661		
Committee Report		
6728		
Committee Report		
6852	Introduction & 1st Reading	3
6853	Introduction & 1st Reading	3
6854	Introduction & 1st Reading	3
6855	Introduction & 1st Reading	3
6856	Introduction & 1st Reading	3
6857	Introduction & 1st Reading	3
6858	Introduction & 1st Reading	3
6859	Introduction & 1st Reading	3
6860	Introduction & 1st Reading	3