

**TWENTY FIFTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Thursday, February 3, 2011

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

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.

February 2, 2011

SB 5016 Prime Sponsor, Senator White: Prohibiting smoking in vehicles containing children. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Haugen, Chair; White, Vice Chair; King; Ericksen; Hill; Hobbs; Nelson; Ranker and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Delvin.

Passed to Committee on Health & Long-Term Care.

February 1, 2011

SB 5049 Prime Sponsor, Senator Kline: Implementing recommendations of the sunshine committee. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5093 Prime Sponsor, Senator McAuliffe: Revising education provisions to implement budget reductions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Harper, Vice Chair; Litzow; Eide; Hobbs; King; Nelson and Rockefeller.

Passed to Committee on Ways & Means.

February 1, 2011

SB 5098 Prime Sponsor, Senator Carrell: Exempting personal information of minors in parks and recreation programs from public inspection and copying. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 1, 2011

SB 5116 Prime Sponsor, Senator Swecker: Concerning public health district authority as it relates to gifts, grants, conveyances, bequests, and devises of real or personal property. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 1, 2011

SB 5117 Prime Sponsor, Senator Haugen: Concerning the population restrictions for a geographic area to qualify as a rural public hospital district. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5131 Prime Sponsor, Senator Haugen: Expanding certain public facilities eligible to be credited against the imposition of impact fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Nelson and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2011

SB 5133 Prime Sponsor, Senator Schoesler: Using state correctional facility populations to determine population thresholds for certain local government purposes. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 1, 2011

SB 5154 Prime Sponsor, Senator Harper: Modifying vehicle prowling provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Kohl-Welles; Regala and Roach.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5159 Prime Sponsor, Senator Schoesler: Authorizing the transfer of service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and communications officers and then became commissioned troopers in the Washington state patrol. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Nelson; Ranker and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5166 Prime Sponsor, Senator Schoesler: Allowing off-road vehicles on public highways in certain areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Nelson; Ranker and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5184 Prime Sponsor, Senator Schoesler: Regarding compliance reports for second-class school districts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Harper, Vice Chair; Litzow; Eide; Fain; Hill; Hobbs; King; Nelson; Rockefeller and Tom.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5191 Prime Sponsor, Senator Hobbs: Providing flexibility in the education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Harper, Vice Chair; Litzow; Eide; Fain; Hill; Hobbs; King; Nelson; Rockefeller and Tom.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5223 Prime Sponsor, Senator Benton: Concerning reserve accounts and studies for condominium and homeowners' associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Keiser and Litzow.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5224 Prime Sponsor, Senator Hobbs: Increasing the charge limit for the preparation of condominium resale certificates. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Haugen and Keiser.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5239 Prime Sponsor, Senator Honeyford: Allocating federal forest revenue to public schools based on resident students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5239 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Harper, Vice Chair; Litzow; Eide; Hill; Hobbs; King; Nelson; Rockefeller and Tom.

Passed to Committee on Ways & Means.

February 2, 2011

SB 5250 Prime Sponsor, Senator Haugen: Concerning the design-build procedure for certain projects. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Nelson; Ranker and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5366 Prime Sponsor, Senator Delvin: Authorizing the use of four-wheel, all-terrain vehicles on public roadways under certain conditions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Ranker and Swecker.

TWENTY FIFTH DAY, FEBRUARY 3, 2011

2011 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senator Nelson.

Passed to Committee on Rules for second reading.

February 2, 2011

SB 5375 Prime Sponsor, Senator Hobbs: Allowing trust companies to be organized as, or convert to, limited liability companies under certain conditions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton; Fain; Haugen and Litzow.

Passed to Committee on Rules for second reading.

February 1, 2011

SB 5621 Prime Sponsor, Senator White: Establishing the voting age for school board elections. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Early Learning & K-12 Education.

MOTION

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

MOTION

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

January 14, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ELIZABETH W. BLOOMFIELD, appointed January 13, 2011, for the term ending December 31, 2013, as Member of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Marine Waters.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5642 by Senators Conway, Pflug, Delvin, Roach, Regala, Pridemore and Shin

AN ACT Relating to applied behavior analysis services; and amending RCW 71A.12.040 and 71A.24.020.

Referred to Committee on Human Services & Corrections.

SB 5643 by Senators Stevens, Hatfield, Morton, Haugen, Hobbs, Ericksen, Becker, Schoesler and Honeyford

AN ACT Relating to wells; and amending RCW 18.104.020.

Referred to Committee on Environment, Water & Energy.

SB 5644 by Senators Delvin, Holmquist Newbry, Hewitt, Schoesler, Carrell, Becker, Pflug, Stevens and Honeyford

AN ACT Relating to standards for the use of science to support public policy; and adding new sections to chapter 34.05 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5645 by Senators Nelson, Harper, White, Kohl-Welles and Kline

AN ACT Relating to the existing surcharge for local homeless housing and assistance; and amending RCW 36.22.179.

Referred to Committee on Ways & Means.

SB 5646 by Senators Pridemore, Harper and Kline

AN ACT Relating to allowing for informed telephonic consent for access to housing or homelessness services; and amending RCW 43.185C.180.

Referred to Committee on Human Services & Corrections.

SB 5647 by Senators Fraser, Honeyford, Rockefeller, Morton, Shin and Chase

AN ACT Relating to modifying the Columbia river basin management program to prospectively maximize investment tools; amending RCW 90.90.010, 90.90.020, and 90.90.040; reenacting and amending RCW 43.84.092; and adding new sections to chapter 90.90 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5648 by Senator Ranker

AN ACT Relating to direct sales of milk; and adding a new section to chapter 15.36 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5649 by Senators Harper, Shin, Murray, Nelson, Pridemore, Chase, Kohl-Welles and Kline

AN ACT Relating to the humane treatment of dogs; amending RCW 16.52.011; adding a new section to chapter 16.52 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5650 by Senators Harper, Kohl-Welles, White, McAuliffe and Kline

AN ACT Relating to allowing craft distilleries to sell their own spirits at qualifying farmers markets; and amending RCW 66.24.145.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5651 by Senators McAuliffe, Litzow, Eide and Shin

AN ACT Relating to preserving the school district levy base; reenacting and amending RCW 84.52.0531; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5652 by Senators McAuliffe, Litzow and Eide

AN ACT Relating to preserving the school district levy base; reenacting and amending RCW 84.52.0531; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5653 by Senators Kohl-Welles, Tom, Chase, Keiser, White and Conway

AN ACT Relating to Washington state food purchasing policy; adding a new section to chapter 43.19 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5654 by Senators Keiser, White, Chase and McAuliffe

AN ACT Relating to recognition of lower division courses at institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5655 by Senators Roach and Harper

AN ACT Relating to voters' pamphlets; adding a new section to chapter 29A.84 RCW; and prescribing penalties.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5656 by Senators Hargrove, Regala, White, McAuliffe and Kline

AN ACT Relating to a state Indian child welfare act; amending RCW 13.32A.152, 13.34.040, 13.34.070, 13.34.105, 13.34.130, 13.34.132, 13.34.190, 26.10.034, 26.33.040, and 74.13.350; reenacting and amending RCW 13.34.030, 13.34.065, and 13.34.136; and adding a new chapter to Title 13 RCW.

Referred to Committee on Human Services & Corrections.

SB 5657 by Senators Pridemore and Swecker

AN ACT Relating to modifying the categorical exemptions for development under the state environmental policy act; adding new sections to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5658 by Senators King, Haugen and Shin

AN ACT Relating to the sale or exchange of surplus real property by the department of transportation; amending RCW 47.12.063 and 47.12.063; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5659 by Senators King and Haugen

AN ACT Relating to creating a dialogue between the department of licensing, county auditors, and subagents regarding title and registration activities; and adding a new section to chapter 46.01 RCW.

Referred to Committee on Transportation.

SB 5660 by Senators Regala, Hargrove and Stevens

AN ACT Relating to public assistance; amending RCW 74.12.030, 74.08.580, and 43.88C.010; adding new sections to chapter 74.08A RCW; repealing RCW 74.08A.340; and providing effective dates.

Referred to Committee on Human Services & Corrections.

SB 5661 by Senators Nelson, Pridemore, Swecker, White, Morton and Fain

AN ACT Relating to derelict fishing gear; amending RCW 77.12.870; and creating a new section.

Referred to Committee on Natural Resources & Marine Waters.

SB 5662 by Senators Conway, Chase, Kline, Shin, Keiser, Kohl-Welles, White, Roach, Hobbs, Nelson, Prentice, Haugen and Fraser

AN ACT Relating to establishing a preference for resident contractors on public works; amending RCW 39.04.010; adding a new section to chapter 39.04 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5663 by Senators Harper, Roach, Conway and Kline

AN ACT Relating to concurrent jurisdiction of state and federal courts over certain actions under chapters 39.08 and 60.28 RCW, including actions involving delinquent contributions to benefit plans; amending RCW 39.08.030, 39.08.030, and 60.28.030; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5664 by Senators McAuliffe, Shin, Hobbs, Nelson, Rockefeller, Litzow, Chase, Tom, Zarelli, Brown, Kilmer, Delvin and Murray

AN ACT Relating to the Lake Washington Institute of Technology; amending RCW 28B.50.1401 and 28B.45.0201; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5665 by Senators Chase, Kilmer, Kastama, Brown and White

AN ACT Relating to reauthorizing counties with community empowerment zones to qualify as an eligible area for investment projects in rural counties; and amending RCW 82.60.049.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5666 by Senators Pflug and Keiser

AN ACT Relating to accountability for tax exempt hospitals; amending RCW 84.36.840 and 84.36.040; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5667 by Senators Tom, Litzow, Hobbs and King

AN ACT Relating to recruiting, preparing, and empowering school officials and holding them accountable; amending RCW 28A.400.100; adding new sections to chapter 28A.410 RCW; and creating a new section.

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

SJM 8002 by Senator Morton

Requesting the delisting of gray wolves from the federal endangered species act.

Referred to Committee on Natural Resources & Marine Waters.

SJM 8003 by Senators Prentice, Litzow, Swecker, Murray, Carrell, Kohl-Welles, Keiser, Conway and Honeyford

Requesting that Interstate 5 be named the "Purple Heart Trail."

Referred to Committee on Transportation.

SJM 8004 by Senators Parlette, Nelson, Tom, Zarelli, Fraser, Hewitt, Kline, Hatfield, Murray and Shin

Requesting the reestablishment of the road leading to the upper Stehekin Valley within the North Cascades National Park.

Referred to Committee on Natural Resources & Marine Waters.

SCR 8400 by Senators Fraser and Parlette

Calling a joint session to honor deceased former members.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8400 which under suspension of the rules was placed on the second reading calendar.

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION  
8603

By Senator Honeyford

WHEREAS, In April 1892, a party of Northern Pacific Railway and Yakima Irrigation Company officials visited the recently chosen, but as yet unnamed townsite on the north bank of the Yakima River, to fulfill a vision of transforming the arid desert land of the lower valley into a lush, green valley of agricultural productivity; and

WHEREAS, Among others, the party consisted of Walter Granger, General Superintendent of the recently completed Sunnyside Canal, and Thomas F. Oakes, President of the Northern Pacific Railway, his wife Abby, and their 19-year-old daughter Zillah; and

WHEREAS, The decision was made to name the town Zillah, after the railway president's daughter; following which seventy acres of railroad land grant and state-owned land were platted for the town, and the development of the townsite occurred quickly with the construction of a hotel, followed by a general store, a drug store, and a blacksmith shop; and

WHEREAS, Walter Granger became president of the Zillah Townsite Company, and the trustees were: Thomas F. Oakes, Paul Schulze, William Hamilton Hall, and C.A. Spofford; and in 1894, School District #32 was organized and a schoolhouse was built, followed by two stage lines and two telephone lines; and

WHEREAS, The town gained a railroad in 1907 to serve a new branch line from Sunnyside Junction near Toppenish; the line

carried fruit from Zillah's rich fields twenty miles to Sunnyside, from where it was shipped worldwide; and

WHEREAS, The City of Zillah became incorporated in 1911, and by 1920 had a population of 647; and since 1970, Zillah has been growing at the fastest rate in history, those residents enjoying the small town life; and

WHEREAS, The Teapot Dome Service Station, a roadside attraction, was built outside Zillah in 1922, as a reminder of the Teapot Dome Scandal that rocked the presidency of Warren G. Harding and sent Interior Secretary Albert Fall to prison for his role in leasing government oil reserves in, among other places, Teapot Dome, Wyoming; and

WHEREAS, The Teapot Dome Service Station was added to the U.S. National Register of Historic Places, and will be moved next Spring into the City of Zillah; and

WHEREAS, The current officials of the City of Zillah are Mayor Gary Clark and Councilmembers Bob Gallagher, Jeff Miles, Doug Stewart, Janice Gonzales, and Kevin Russell; City Attorney Jamie Carmody; City Clerk Sharon Bounds; Fire Chief Dan Hargroves; Police Chief Dave Simmons; Public Works Director Tim Tilley; and Librarian Fern Greene; and

WHEREAS, The City of Zillah lies in the heart of wine country and is an active community enjoying many fun-filled celebrations throughout the year, such as the Zillah Community Days and Parade, a 4th of July celebration, a Blue Grass Bash, a farmers market, and an Old-Fashioned Christmas;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize and congratulate the City of Zillah and its citizens on the 100th anniversary of the establishment of the Town of Zillah; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the City of Zillah's Mayor Gary Clark; its Councilmembers and City Officials; and to Amber Schlenker, Editor of the Toppenish Review Independent.

Senator 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. 8603.

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

#### MOTION

Senator Honeyford moved adoption of the following resolution:

#### SENATE RESOLUTION 8613

By Senators Honeyford, Swecker, Morton, Delvin, and Schoesler

WHEREAS, The federal law establishing Constitution Day and Citizenship Day was created in 2004, to ensure that students are made aware of the importance of this major historical event in United States history; and

WHEREAS, Constitution Day and Citizenship Day is an American federal observance that recognizes the ratification of the United States Constitution and those who have become United States citizens, and it is observed on September 17th, the day the U.S. Constitutional Convention signed the Constitution in 1787; and

WHEREAS, The act mandates that on September 17th of each year, all publicly funded educational institutions provide educational programming on the history of the American Constitution; and

WHEREAS, In May 2005, the United States Department of Education announced the enactment of this law, and that it would apply to any school receiving federal funds of any kind; and

WHEREAS, This federal law does not distinguish between elementary, secondary, or college level institutions, so it must be interpreted to apply to all levels; and

WHEREAS, When Constitution Day falls on a weekend or other holiday, schools and institutions shall observe the holiday on an adjacent weekday; and

WHEREAS, A similar Washington State law regarding Constitution Day complies with much of the federal law, but fails to recognize the federal law's mandate that the Constitution be taught specifically on Constitution Day, rather than on a day of the state's choosing;

NOW, THEREFORE, BE IT RESOLVED, That, the Washington State Senate recognize and honor the remarkable achievement and legacy that is the United States Constitution, and that it encourages Washington State schools to recognize and discuss the Constitution on the federally designated Constitution Day and Citizenship Day, which occurs on September 17th of each year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Superintendent of Public Instruction for distribution to all statewide, publicly funded school districts.

Senator 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. 8613.

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

#### MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 4, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



