

**THIRTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 11, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benson, Brown, Deccio, Hewitt, Johnson, McAuliffe, Oke, Rasmussen, Roach, Schoesler, Sheldon and Weinstein.

The Sergeant at Arms Color Guard consisting of Pages Thomas Beirne and Hilary Rhodes, presented the Colors. Reverend Dennis Payne of the Ebenezer African American Episcopal Church offered the prayer.

**MOTION**

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

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 10, 2005

SB 5111 Prime Sponsor, Morton: Providing tax incentives for solar energy systems. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5111 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 10, 2005

SB 5119 Prime Sponsor, Parlette: Requiring a review of the local government whistleblower program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 10, 2005

SB 5125 Prime Sponsor, Kohl-Welles: Reducing heavy metals in child use area soils. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass substitute. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Ways & Means.

February 10, 2005

SB 5327 Prime Sponsor, Fairley: Creating an office of privacy protection. Reported by Committee on Financial Institutions, Housing & Consumer Protection

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

Passed to Committee on Ways & Means.

February 10, 2005

SB 5386 Prime Sponsor, Fraser: Recognizing interests based on federal laws in the management of state waters. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5530 Prime Sponsor, Kline: Prohibiting discrimination in life insurance based on lawful travel destinations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

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

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Delvin

Passed to Committee on Rules for second reading.

SB 5544 Prime Sponsor, Spanel: Creating the Washington voluntary accounts program. Reported by Committee on Financial Institutions, Housing & Consumer Protection February 10, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Ways & Means.

SB 5560 Prime Sponsor, Pflug: Protecting email addresses of members of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Consumer Protection February 10, 2005

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

Passed to Committee on Rules for second reading.

SB 5576 Prime Sponsor, Poulsen: Exempting fare cards from the unclaimed property act. Reported by Committee on Financial Institutions, Housing & Consumer Protection February 10, 2005

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

Passed to Committee on Rules for second reading.

#### 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 fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5880 by Senators Franklin, Kohl-Welles, Keiser and McAuliffe

AN ACT Relating to the registration of youth athletic coaches; amending RCW 18.235.020 and 43.24.---; adding a new chapter to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date.

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

SB 5881 by Senators Honeyford, Hargrove, Morton, Mulliken and Schoesler

AN ACT Relating to a cougar survey and management program; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5882 by Senators Regala and Fraser

AN ACT Relating to county sales and use taxes; and amending RCW 82.14.450.

Referred to Committee on Government Operations & Elections.

SB 5883 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to the University of Washington forest systems and bioenergy program; creating a new section; and making appropriations.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5884 by Senator Kastama

AN ACT Relating to the statute law committee; amending RCW 44.04.260, 1.08.011, 1.08.013, 1.08.015, 1.08.027, 1.08.038, 1.08.039, 1.08.0392, 1.08.060, and 1.08.110; adding new sections to chapter 1.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5885 by Senators Kastama and Esser

AN ACT Relating to corrective changes to the regional transportation investment district enabling statutes; amending RCW 36.120.020, 36.120.050, 36.120.070, 47.56.076, and 81.100.080; and adding a new section to chapter 82.80 RCW.

Referred to Committee on Transportation.

SB 5886 by Senators Keiser, Deccio and Rasmussen

AN ACT Relating to home and community services' case management responsibilities; and amending RCW 74.09.520, 74.39A.009, 74.39A.030, 74.39A.090, 74.39A.095, and 74.39A.240.

Referred to Committee on Health & Long-Term Care.

SB 5887 by Senators Kastama, McCaslin, Delvin, Rasmussen, Schoesler and McAuliffe

AN ACT Relating to a pilot program on interoperable communication systems; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5888 by Senators Thibaudeau, Franklin, Poulsen and Kline

AN ACT Relating to access to individual health insurance coverage; amending RCW 42.30.020, 48.18.110, 48.20.025, 48.41.030, 48.41.037, 48.41.040, 48.41.060, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.140, 48.41.160, 48.41.190, 48.41.200, 48.44.017, 48.44.020, 48.46.060, 48.46.062, and 70.47.060; reenacting and amending RCW 48.04.010; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5889 by Senators Pridemore, Oke, Rockefeller and Shin

AN ACT Relating to statewide nonpartisan offices; amending RCW 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and 29A.52.231; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5890 by Senators Kline, Weinstein and Jacobsen

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

SB 5891 by Senators Stevens, McCaslin, Benson, Carrell, Schmidt and Esser

AN ACT Relating to standardized chemical dependency assessment protocols; adding new sections to chapter 70.96A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5892 by Senators Eide and Shin

AN ACT Relating to technical assistance services; and amending RCW 43.330.152, 43.330.155, 43.330.156, and 43.23.037.

Referred to Committee on International Trade & Economic Development.

SB 5893 by Senator Jacobsen

AN ACT Relating to secondary commercial fish receivers; amending RCW 77.15.568; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5894 by Senators Fraser, Morton, Poulsen, Pridemore, Mulliken, Hewitt, Honeyford, Rockefeller, Oke, Kline, Parlette, Kohl-Welles and Rasmussen

AN ACT Relating to the joint legislative committee on water supply during drought; adding a new chapter to Title 90 RCW; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5895 by Senators Fraser, Poulsen, Morton, Regala, Pridemore, Jacobsen and Kohl-Welles

AN ACT Relating to increased coordination between the Puget Sound action team and other governmental entities; amending RCW 90.71.005, 90.71.010, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.060, 90.71.070, 90.71.080, and 90.71.900; adding new sections to chapter 90.71 RCW; creating a new section; and decodifying RCW 90.71.902.

Referred to Committee on Water, Energy & Environment.

SB 5896 by Senators Mulliken, Hargrove, Hewitt, Sheldon, Morton, Honeyford, Oke and Schoesler

AN ACT Relating to distinguishing growth management update responsibilities between slower and faster growing cities and counties; and amending RCW 36.70A.130.

Referred to Committee on Government Operations & Elections.

SB 5897 by Senators McAuliffe, Kastama, Schmidt, Kohl-Welles, Berkey and Rasmussen

AN ACT Relating to vision exams for school-aged children; adding a new section to chapter 28A.210 RCW; and creating a new section.

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

SB 5898 by Senators Regala, Brandland, Pridemore, Hargrove, Thibaudeau, Oke, Kohl-Welles and Rasmussen

AN ACT Relating to postpartum depression; adding new sections to chapter 43.121 RCW; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 5899 by Senators Kohl-Welles, Brandland and Rasmussen

AN ACT Relating to background checks; amending RCW 43.43.830, 43.43.832, 43.43.834, 43.43.836, 43.43.838, 43.43.840, and 43.43.845; and repealing RCW 43.43.835.

Referred to Committee on Human Services & Corrections.

SB 5900 by Senators Keiser, Delvin, Roach, Eide, McAuliffe, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.547; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5901 by Senators Delvin, Roach, Rockefeller, Keiser, Pridemore, McAuliffe, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to removing the cap on retirement benefits of members of the law enforcement officers' and fire fighters' retirement system plan 1; and amending RCW 41.26.100.

Referred to Committee on Ways & Means.

SJM 8016 by Senators Keiser, Eide, Spanel, Deccio, Thibaudeau, Benson, Franklin, Pridemore, Weinstein, Rasmussen, Kastama, Kohl-Welles, Kline, Doumit, Berkey, Brown, Poulsen, McAuliffe, Oke, Regala, Parlette and Shin

Requesting that Congress and the Bush Administration support efforts that will lower drug costs for Americans.

Referred to Committee on Health & Long-Term Care.

#### 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 Franklin moved adoption of the following resolution:

SENATE RESOLUTION  
8624

By Senators Franklin, Prentice, Thibaudeau, Shin, Rockefeller, Pridemore, Spanel, Eide, Keiser, Kline, Berkey, Fraser, Poulsen, Sheldon, Jacobsen, Weinstein, McAuliffe, Kohl-Welles, Rasmussen and Haugen

WHEREAS, Carter G. Woodson, noted black scholar and historian, founded Black History Week, the second week in February, on February 12, 1926; and

WHEREAS, In 1976, as part of the nation's bicentennial, Black History Week was expanded and established as Black History Month with the hope that through this special observance all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, The month of February is significant and recognized in African-American History for the birthdays of great African-American pioneers and institutions, such as Frederick Douglass, W.E.B. DuBois, Langston Hughes, Eubie Blake, the NAACP, and the first Pan African Congress; and

WHEREAS, African-Americans have endured tremendous personal, social, economic, and political injustices since the dawn of their enslavement; and

WHEREAS, Increasing intercultural exchange and understanding will lead to the healing of all races; and

WHEREAS, We owe a great deal of gratitude to those who have pioneered the way toward social equality; and

WHEREAS, One such trailblazer Shirley Chisolm, the first African-American Congresswoman was elected in 1968, sadly passed away last month; and

WHEREAS, The "unbought and unbossed" Congresswoman will be remembered fondly for her tremendous spirit, activism, honor, ability to inspire others, and her many significant contributions to our nation; and

WHEREAS, From the beauty and strength of a people suffering an unjust sentence of slavery, to the gains during the abolitionist movement including the 14th Amendment, to a backlash of the oppressive laws of "Jim Crow" which legalized the institutional separation of the races, to the celebration of life and the arts through the Harlem Renaissance, to the numerous and significant gains of freedom by the civil rights movement and agents of change like Reverend Dr. Martin Luther King, Jr., Medgar Evers, and Malcolm X; and

WHEREAS, For the immeasurable struggle of the leaders, victims, and silent heroes during these times to end discrimination, hatred, bigotry, and segregation, we are all in debt;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize and appreciate the many benefits of Black History Month to our citizenry and to our culture in general and that we urge all citizens of the State of Washington to join with us in taking the opportunity this month to explore this rich history and bring our nation closer to realizing racial equity; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Commission on African-American Affairs and the African-American History Museum in Tacoma, Washington.

Senators Franklin, Swecker, Prentice, Kohl-Welles, Schmidt, Shin, Jacobsen, Mulliken, Kline, Parlett, Pridemore, Honeyford and Kastama spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

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

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. For the lack of time I did not get around to all of my colleagues to ask them to sign on this resolution so I do apologize and hope you will be able to sign."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. On Wednesday when we were debating and voting on a bill, Senate Bill No. 5049, it was the first time for Senator Rockefeller from the 23<sup>rd</sup> District to speak on the Senate floor. And as you know, we've had a tradition in the State Senate to make some comments about how horrible the speech was of the first one made and we had enjoyed some humor with one of our State Senators having made his first remarks before that from the 41<sup>st</sup> District. So I carried on with this tradition and made some comments about how unpleasant I found the Senator's remarks from the 23<sup>rd</sup> District on my bill. Well, it appears I was too convincing. And I guess I was theater arts major in college but apparently some people took my remarks seriously and inquired later that day about why I was so distressed the good Senator speaking on my bill. So I would just like to make sure that all of you know and anybody who was watching the floor debate on the bill last Wednesday on TVW know, that I hold the Senator from the 23<sup>rd</sup> District Senator Rockefeller in tremendously high esteem and regard and was very pleased that he spoke and supported my bill. And I am also thrilled that he is now a member of the Senate so I'm just rising to make that clarification. Thank you."

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. I too would like to congratulate Senator Kohl-Welles on her experience in theater arts and her ability to convince us all that she holds Senator Rockefeller in high regard. I believe that is a, shall we say, an experience, theatrical experience. I certainly appreciate it. Mr. President, I really rise to another much more serious matter and that is the matter of the noise I believe I heard in the general direction of the back of the room earlier on the when we were conferring about the resolution and I wonder if

maybe there isn't some defect in this building after all Mr. President. The noise from back there it sounded very unusual something that's not normally in our debates. I wonder maybe if there was some deed or some condition back there that would bear a little effort to correct. Perhaps our new Senator could explain his whatever it is that's in his, that smirk on his face and that good look on his face that maybe there is something going on Mr. President I think that bears compensation so I will leave that to him. Thank you."

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, I would like to thank my esteemed colleague regarding that. I would like to apologize to this body for deigning to interrupt your deliberations on so weighty and important a matter. It is important to know note that in my first speech on the Senate floor we were able to obtain a unanimous decision and I feel no small amount of responsibility for that decision and I hope you'll all remind Senator Weinstein when he returns that he was not able to do that. I do have some compensations and hopefully we can have our good friends bring those in. This is a special little treat, something to help you to remember the 49<sup>th</sup> Legislative District. For those of you who don't know or don't remember, the 49<sup>th</sup> Legislative District is in Southwest Washington encompassing most of the city of Vancouver and the community of Hazeldell. It is the first home of the first settlement in the Pacific Northwest, that of the Fort Vancouver, established by the Hudson's Bay Company in 1825 and contains the oldest town square in the state of Washington. That being Ester Short Park. It is former home of Captain Ulysses S. Grant; of General George C. Marshall; of General OO Howard, the founder of Howard University; and home of the 'Buffalo Soldiers' who helped to open up the Pacific Northwest for Americans. The 49<sup>th</sup> Legislative District has a very long and distinguished legislative history - not as long as of your districts - having just been established in the 1950's. I'm, in fact, the sixth Senator to represent the 49<sup>th</sup> replacing such luminaries as Senator Don Carlson and the legendary Senator Al Bauer. So I look very much forward in the next few years to working with you. I hope you enjoy the snack and we will talk with you all very soon. Thank you. Thank you Mr. President."

MOTION

At 10:53 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 14, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate